and paid per annum upon the entire net income of such corporation, joint-stock company, or association arising or accruing from all sources shall be as follows:

A. If its production or sale be one-quarter and less than one-third of the total amount of any line of production, its annual tax shall be five times the normal tax hereinbefore imposed, to wit, 5 per cent.

B. If its production or sale be one-third and less than one-half of the total amount of any line of production, its annual tax shall be ten times the normal tax hereinbefore imposed, to wit, 10 per cent.

C. If its production or sale be one-half or more of the total amount of any line of production for the whole country, its annual tax shall be twenty times the normal tax hereinbefore imposed, to wit, 20 per cent on its entire net income accruing from all sources. The words "line of production" above used shall be construed to mean any particular article or any particular commodity, or to mean any class of articles or commodities ordinarily manufactured in conjunction with each other from the same or similar materials; but no line of production shall subject a corporation to any additional tax imposed by this paragraph unless said line of production amounts to at least $10,000,000 a year, nor shall this additional tax provided for in this paragraph apply to corporations, joint-stock companies, or associations employing less than $50,000,000 capital represented by stock or bonds, or both. In the levying and collection of the tax authorized in this paragraph the findings of the Secretary of Commerce as to the annual production and sale by corporations, joint-stock companies, or associations shall be taken as prima facie evidence; and whenever those findings show that a corporation, joint-stock company, or association controls one or more other corporations, joint-stock companies, or associations, directly or indirectly, the same line of production of the subsidiary concern shall be added to that of the controlling concern; and whenever it appears that two or more corporations, joint-stock companies, or associations have stockholders in common to the extent of 50 per cent in either, each shall pay the rate of tax that would be levied if the two concerns were united and their product combined.

Mr. WILLIAMS. If the Senator from Nebraska wants to be heard upon this amendment, as I apprehend is the case——

Mr. HITCHCOCK. Yes, sir; it is.

Mr. WILLIAMS. It is 6 o'clock now, and I will yield for a motion to go into executive session.

EXECUTIVE SESSION.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 8 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, August 29, 1913, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 28, 1913.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Henry Morgenthau, of New York, to be ambassador extraordinary and plenipotentiary of the United States of America to Turkey, vice William Woodville Rockhill, resigned.

COLLECTORS OF CUSTOMS.

Zach L. Cobb, of Texas, to be collector of customs for the district of El Paso, in the State of Texas, in place of Alfred L. Sharpe, resigned.

Frank Rabb, of Texas, to be collector of customs for the district of Laredo, in the State of Texas, in place of James J. Haynes, resigned.

AGENT AND CONSUL GENERAL.

Olney Arnold, of Rhode Island, to be agent and consul general of the United States of America at Cairo, Egypt, vice Peter Augustus Jay.

MINISTER RESIDENT AND CONSUL GENERAL.

George W. Buckner, of Indiana, to be minister resident and consul general of the United States of America to Liberia, vice Fred R. Moore, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 28, 1913.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. George B. Landenberger to be a lieutenant commander.

Lieut. (Junior Grade) Herndon B. Kelly to be a lieutenant.

Theodore W. Johnson to be a professor of mathematics.

Carlos V. Cusachs to be a professor of mathematics.

Arthur E. Younie to be an assistant surgeon in the Medical Reserve Corps.

Walter C. Espach to be an assistant surgeon in the Medical Reserve Corps.

John F. X. Jones to be an assistant surgeon in the Medical Reserve Corps.

POSTMASTERS.

IOWA.

E. R. Ashley, Laporte City.
Henry F. Eppers, Montrose.
Anton Huebsch, McGregor.
Ben Jensen, Onawa.

NORTH DAKOTA.

Frank Lish, Dickinson.
V. F. Nelson, Cooperstown.

OHIO.

E. E. France, Kent.
James P. Stewart, Niles.

TEXAS.

Lon Davis, Sealy.
W. T. Hall, La Porte.

WEST VIRGINIA.

J. L. Butcher, Holden.

SENATE.

FRIDAY, *August 29, 1913.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SIMMONS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

GOODS IN BOND.

The VICE PRESIDENT. The Chair lays before the Senate a communication, which will be read.

The Secretary read as follows:

TREASURY DEPARTMENT,
Washington, August 27, 1913.

The PRESIDENT OF THE UNITED STATES SENATE.

SIR: I have the honor to acknowledge receipt of a copy of a Senate resolution under date of the 21st instant, requesting, for the use of the Senate, certain information relative to goods held without the payment of duty in warehouse now and at the same time in the year 1912.

In reply I have to advise you that similar information with respect to goods in warehouse August 1, 1912, and August 1, 1913, was forwarded to you under date of August 21, 1913, in compliance with a resolution of the Senate of August 1, 1913.

The figures, if compiled on goods in warehouse August 21, would probably differ but little from those furnished you computed on goods in warehouse under date of August 1, and it would take some time to compile them. In view of the matter, I have to request to be informed whether data similar to that given in my letter of August 21, as of August 1, is desired brought down to August 21.

Respectfully,

W. J. MCADOO, *Secretary.*

The VICE PRESIDENT. The communication will lie on the table.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (S. 1620) to provide for representation of the United States in the Fourteenth International Congress on Alcoholism, and for other purposes, and it was thereupon signed by the Vice President.

CALLING OF THE ROLL.

Mr. KERN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Norris	Smith, Md.
Bacon	Gallinger	Oliver	Smith, S. C.
Bankhead	Hitchcock	Page	Smoot
Borah	Hollis	Penrose	Sterling
Bradley	Hughes	Perkins	Stone
Brady	James	Pittman	Sutherland
Brandegee	Johnson	Pomerene	Swanson
Bristow	Jones	Robinson	Thomas
Bryan	Kenyon	Root	Thompson
Chamberlain	Kern	Saulsbury	Townsend
Chilton	La Follette	Shafroth	Vardaman
Clapp	Lane	Sheppard	Walsh
Clark, Wyo.	Lea	Sherman	Warren
Colt	Lodge	Shields	Weeks
Crawford	McCumber	Shively	Williams
Cummins	McLean	Simmons	Works
Dillingham	Martin, Va.	Smith, Ariz.	
Fall	Martine, N. J.	Smith, Ga.	

Mr. McCUMBER. I again announce the necessary absence of my colleague [Mr. GRONNA].

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent from the city on important business. He is

paired with the junior Senator from Missouri [Mr. REED]. I desire this announcement to stand for all roll calls to-day.

Mr. SMOOT. I desire to announce that the junior Senator from Wisconsin [Mr. STEPHENSON] and the senior Senator from Delaware [Mr. DU PONT] are detained from the Senate on account of illness. I will allow this notice to stand for the day.

The VICE PRESIDENT. Seventy Senators have answered to the roll call. There is a quorum present.

ESTATE OF THOMAS BRITTON, DECEASED.

Mr. BRANDEGEE. On June 26 I introduced a bill (S. 2642) for the relief of the estate of Thomas Britton, deceased, and it was referred to the Committee on Military Affairs. I move that that committee be discharged from the further consideration of the bill and that it be referred to the Committee on Claims.

The motion was agreed to.

ASSISTANT IN SENATE DOCUMENT ROOM.

Mr. SHAFROTH. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably with amendments Senate resolution 174, submitted by the Senator from Minnesota [Mr. CLAPP] on the 27th instant. I ask for the immediate consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments were, in line 3, to strike out the words "$1,440 per annum" and insert "$120 per month until October 31, 1913," and, in lines 4 and 5, to strike out the words "until otherwise provided by law," so as to make the resolution read:

Resolved, That the Secretary be authorized to employ one additional assistant in the Senate document room at a compensation of $120 per month until October 31, 1913, to be paid out of the contingent fund of the Senate.

The amendments were agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 3058) authorizing the President of the United States to appoint Col. James Jackson to the rank of brigadier general on the retired list; to the Committee on Military Affairs.

By Mr. THOMAS:

A bill (S. 3059) to amend an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes"; to the Committee on Indian Affairs.

A bill (S. 3060) granting an increase of pension to Mary C. Jackson; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3061) granting an increase of pension to Winfield S. Brooks; to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 3062) to provide for a mausoleum in Arlington National Cemetery for the interment of Army and Navy officers; to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed with amendments the joint resolution (S. J. Res. 52) to authorize the appointment of Thomas Green Peyton as a cadet in the United States Military Academy, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H. J. Res. 111) to authorize the reinstatement of Adolph Unger as a cadet in the United States Military Academy, in which it requested the concurrence of the Senate.

THOMAS GREEN PEYTON.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 52) to authorize the appointment of Thomas Green Peyton as a cadet in the United States Military Academy, which were, in line 3, to strike out "Secretary of War" and insert "President," and in line 5, after "Academy," to insert "*Provided*, That this shall not operate to increase the Corps of Cadets at said academy as now authorized by law."

Mr. CHAMBERLAIN. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On August 28, 1913:

S. 1353. An act to authorize the board of county commissioners of Okanogan County, Wash., to construct, maintain, and operate a bridge across the Okanogan River at or near the town of Malott.

On August 29, 1913:

S. 1620. An act to provide for representation of the United States in the Fourteenth International Congress on Alcoholism, and for other purposes.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 111. Joint resolution to authorize the reinstatement of Adolph Unger as a cadet in the United States Military Academy was read twice by its title and referred to the Committee on Military Affairs.

INCOME TAX.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from the previous day, which will be read.

The Secretary read Senate resolution 177, submitted yesterday by Mr. CRAWFORD, as follows:

Resolved, That the Committee on Finance be directed to investigate and ascertain the difference in character between income immediately and directly derived by an individual from the carrying on or exercise by him of his profession, trade, and vocation, and income derived from property or investment of capital, and to report an amendment which will make a just discrimination in the rate of levy in favor of incomes immediately and directly derived from the exercise of a profession, trade, or calling, as compared with income derived from property and capital investment.

Mr. CRAWFORD. Mr. President, I do not wish to have this resolution in any way delay the Senate or embarrass the committee. I wanted the subject brought before the Senate, and I am willing that the resolution and the amendment which I offered be referred to the Committee on Finance. It is late in the session, and it is a new feature of the income tax. I realize that it may not be quite fair to ask to have it receive full consideration. At any rate, I am willing that it shall go to the committee.

The VICE PRESIDENT. Without objection, the resolution will be referred, with the amendment submitted by the Senator from South Dakota, to the Committee on Finance.

THE TARIFF.

The VICE PRESIDENT. The morning business is closed.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of House bill 3321.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

The VICE PRESIDENT. The pending amendment is on page 186, where, after line 2, the Senator from Nebraska [Mr. HITCHCOCK] proposes to insert a proviso, which has been read.

Mr. HITCHCOCK. Mr. President, this is the first amendment to the tariff bill which has been proposed from the Democratic side, and in view of that fact it seems to me proper that I should make an explanation of the causes which have led me to differ from the conclusions of the Democratic caucus and which still inspire me to urge this amendment upon the attention of the Senate.

Mr. President, I am not quite as extreme as some who decry the caucus. In spite of all the evils which have grown out of caucus legislation and caucus domination, I believe there are occasions when the caucus may be necessary to harmonize party action upon a party bill. If any bill is entitled to be termed a party bill it is a tariff bill, because tariff has become the great issue between the two leading parties of the country representing two distinct schools of political thought.

Thus, when the pending bill came to the Senate with its three or four thousand separate items, I felt that I could properly go into that caucus and surrender a measure of my own independence for the sake of securing a harmonious party result.

But the pending bill, Mr. President, is something more than a tariff bill. It presents other means of raising revenue. It levies other taxes than tariff taxes and contains a number of provisions for the regulation of business.

To my mind it was, to say the least, a mistake to endeavor in a Democratic caucus to bind the individual to the details, for instance, of the pending section providing an income tax. The income tax is a comparatively new idea in revenue legislation in this country. It involves great questions. It has its

advocates on the other side of the Chamber as well as on this side of the Chamber. The collection of an income tax has become a matter of distinct constitutional right by Congress, and Republicans as well as Democrats voted for and assisted in securing the amendment to the Constitution to that effect.

When the income-tax question comes into this Chamber, involving as it does not only the degree to which taxation shall be levied upon the incomes of the country, but involving also great social changes which may follow, it seems to me that the individual Democrat, like the individual Republican, ought to be permitted by his party to stand here and vote for his convictions.

After all, Senators here were elected to the Senate not to a caucus, and it is in the interest of the public welfare that great questions of this sort be debated in public and decided in public, particularly when we are engaged in formative, fundamental legislation of this sort.

So, Mr. President, it seemed to me a mistake when my party undertook to decide the details of the income-tax bill in the caucus. Still, I did not leave the caucus on that account. I left the caucus when I asked the privilege of being permitted in the open Senate to introduce a legitimate amendment for the taxation of trusts, and that privilege was denied me. I asked it not only for myself but I asked it for other Democrats on this side of the Chamber who believe in the principle and want to see it engrafted upon the pending bill. Those men, if compelled to vote against my amendment, which I am here to-day to urge, will have difficulty in explaining to their constituents why they have done so. It is not right for the party to put them in that position when no great party issue is involved.

It has been an unpleasant sight to me, as it has been to many Democrats during the last few days in this Chamber, when Senators on the Republican side of the Chamber have proposed amendments to the income-tax provision that appeal to the sense of justice and appeal to the judgment of Senators on this side, but who, because of caucus rule, were compelled to vote against such amendments. I do not think that is a worthy sight in the Senate of the United States. I do not believe it is right to bind individual Senators and compel them to vote against their conscience and their judgment upon such amendments when no party policy is involved.

Mr. President, in order to justify myself for the position I am taking, I shall go a little further, and perhaps verge upon the improper in reference to the Democratic caucus of which I was a part. Like all caucuses, I believe the fact to be that our Democratic caucus degenerated into a political machine, and I do not believe that upon the vote upon my tobacco amendment the real sense of the caucus was evoked. I did not offer my tobacco amendment; I merely asked the caucus to leave me free to offer it in the Senate of the United States as an amendment and an addition to the revenue bill.

Mr. President, it might be said that I have the privilege of offering a separate bill for this purpose. That is not so. The Constitution of the United States, as is well known, requires that all revenue bills shall originate in the House of Representatives, and there is no chance for a Senator of the United States to offer a provision for the taxation of trusts except as an amendment to a bill which comes here from the other House. This was the only opportunity I would have, or that any other Senator would have, to offer such an amendment at this session or probably at the next session. I did not, however, ask the caucus to approve my amendment; I asked to be left free to offer it here in the Senate, and I asked that other Democratic Senators be left free to vote for it according to their consciences and their judgment. I was refused. The Senator from Arizona [Mr. ASHURST], however, offered my amendment, and after a heated controversy it came to a vote in that caucus. The votes have been published, so I am revealing none of the secrets of that caucus when I say that 18 members of the Senate voted for my amendment and 23 appeared to vote against it. I say "appeared" because it is a fact, which I shall take the liberty of stating, that the nine Democratic members of the Committee on Finance voted as a unit, regardless of their convictions. So we have a wheel within a wheel, a machine within a machine. The inner machine controlled the caucus. The vote cast was not the correct expression even of the caucus.

Mr. President, under these circumstances I felt that I was justified and that I could still maintain my Democracy in leaving the caucus and coming here and offering my amendment, as I do to-day, to this bill.

What is this amendment? The pending section of the bill provides a tax of 1 per cent upon the net earnings of the corporations of the United States. My amendment develops the idea a little further and provides that when a corporation has obtained control of one-quarter of the business in any single line in this country, instead of paying 1 per cent tax it shall pay 5 per cent; when it has progressed further and secured a third of the business of the country in any one line, it shall pay 10 per cent; and when it has still further approached a monopoly and obtained 50 per cent of the business of the country in any one line, it shall pay 20 per cent of its net earnings to the Government of the United States. That is equitable; it is in line with the other provisions in the bill, which make the rate of taxation upon the income of the rich man higher than the rate of taxation upon the income of the poor man. It is equitable because, as everyone knows, a corporation which approaches monopoly proportions has reduced its cost of production to a minimum and magnified its profits to a maximum. Such a corporation can much easier afford to pay 5 per cent of its net income than the John Smith Grocery Co. can afford to pay 1 per cent upon its net income, because the John Smith Grocery Co. is engaged in a competitive struggle with the other business men in that line, while the great trusts, to which this applies, are freed from competition and are practically exercising monopoly powers in this country to-day. So I say the amendment is equitable, and it is in line with the other provisions of this bill. There is no doubt as to its validity. I challenge any Senator here, lawyer or not, to question the validity of a tax of this sort that Congress levies. The Supreme Court has time and time again said that there is no limit upon the power of Congress, except that the tax levied shall be uniform and for the public welfare. I remember a case in which the court acted and upheld a tax upon the gross receipts of sugar and tobacco companies in excess of $250,000, evidently an effort to levy taxes upon trusts then forming.

So, I say, Mr. President, there is no doubt as to the validity of this amendment. Of what other proposed antitrust amendment or law can it be said that there is no question as to its validity? For 25 years Congress has been legislating against the trusts, and for as many years we have been embroiled in litigation in the courts of the land.

Now let me consider some of the objections that might be urged. I hear one say that this a tax on efficiency. Of what value or merit is efficiency in a great trust, organized to the highest degree, if consumers receive no benefit and the men who labor in that industry receive no benefit? Of what use is that efficiency to the country when it only goes to magnify the profits of those who are exercising monopoly power? Of what use is that efficiency to the country when it has served to create the multimillionaires of the country, to centralize wealth, and to really work an injury upon the business world by intensifying the struggle for existence among those compelled to compete?

Yes, and I hear another objection, that it proposes to limit enterprise. Well, do Senators think of what limitation has been placed on enterprise by the great trusts which have grown up in the land? Do they think how those trusts have crushed small competitors; how they have ruined independents; how they have driven men out of business and reduced them from the position of independent citizens to wage earners and salaried employees? The limitation of enterprise in this country has been worked by the great trusts themselves in the destruction of innumerable companies that were endeavoring, under the laws of competition, to do the business of the country.

Mr. President, there may not be many precedents for just this style of legislation, but I recall one at the present time which seems to me very similar and which is highly thought of. A few years ago, under the leadership of Gov. Hughes, of New York, now a justice of the Supreme Court of the United States, New York enacted a law prohibiting the giant insurance companies of New York from writing more than a certain per cent of new business each year. That law has been proved beneficent; it has saved money to the holders of policies; it has tended to restrict and reduce the growth of the Money Trust in this country; and it has given an opportunity for the lesser and legitimate insurance companies to increase their business. So that the limitation of the growth of the great concerns is not altogether without legitimate and healthy precedent.

Mr. President, I have said that for 25 years Congress has been legislating and courts have been struggling to enforce legislation against the trusts, but our progress has been almost insignificant. This has been the very era of the growth of trusts; it has been the very era of the centralization of wealth. In that time a great imperialism has grown up in our business world. To-day, after the decisions of the Supreme Court in the Standard Oil and Tobacco cases, we are practically confronted with the fact that we have failed—failed in legislation, failed in our courts, and that we have been checked in our effort to do away with the development of these great giants in the business world. Shall we give up? Shall we abandon

the fight and give over the country to the exploitation of these evil concerns?

Almost every man here has pledged his constituents at one time or another to do what he can against the trusts. They are an acknowledged evil. Every platform has denounced them. I believe I was not only standing upon the ground of public interest, but that I was standing on good Democratic ground when I left the caucus because I was denied even the privilege, if I remained in it, of presenting to the Senate this amendment proposing to tax the trusts in proportion to their size.

No plank in the last Democratic platform was stronger or more unqualified or definite in binding the Democrats in office than that plank which reads:

We * * * demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States.

This, Mr. President, is the Democratic doctrine, and I believe I have the right to call upon the Democratic managers in the Senate of the United States to give the Democratic Senators here an opportunity to vote for it.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK].

Mr. NORRIS. Mr. President, I should like to make an inquiry of my colleague, if he will give me his attention. On page 2 of the amendment, beginning in line 18, among other exceptions it is provided:

Nor shall this additional tax provided for in this paragraph apply to corporations, joint-stock companies, or associations employing less than $50,000,000 capital, represented by stock or bonds, or both.

The question I want to ask is with regard to the modifying clause "represented by stock or bonds, or both." It struck me at first glance that those words weakened the proposition. Would it not be possible for some joint-stock company or association to have a capital of $50,000,000 and have neither bonds nor stock; and if that were true, would they not escape the provisions of this amendment?

Mr. HITCHCOCK. I think there may be some point in the criticism which my colleague makes; but I will state that I used that phrase for the reason that if I confined the language to capital stock it might be possible for a company to organize with $25,000,000 capital stock and have $25,000,000 of bonds, and thus escape. I am willing to accept any modification that may be suggested.

Mr. NORRIS. In that case it would all be capital. I should think there would be no question about that. It seems to me that the ground is covered if you stop at the word "capital." It would not make any difference then how it was represented, whether it was by shares of stock or bonds or any other method that might be devised; but if you leave in the words which I have mentioned and any scheme were devised to have the capital composed not of stock or bonds, then they would be excepted, and I take it, of course, that my colleague does not mean to have that occur.

Mr. HITCHCOCK. It is possible that it would be well to change the language so as to read "employing less than $50,000,000 capital represented by stocks, bonds, or otherwise."

Mr. NORRIS. Why should we say anything further? Why not stop at "capital"? Would not that include it all?

Mr. HITCHCOCK. I doubt it. If a concern in that case had only $25,000,000 capital and borrowed $25,000,000 more, I think it would not come within the provision.

Mr. NORRIS. I think the suggestion the Senator has made, to add the words "or otherwise," would at least remove the difficulty.

Mr. HITCHCOCK. I ask leave, then, to modify the amendment in that particular by inserting the words "or otherwise," so as to read:

Employing less than $50,000,000 capital, represented by stocks, bonds, or otherwise.

Mr. BRISTOW. Mr. President, I am interested in the limitation of $50,000,000. Does not the Senator have in mind any corporations or stock companies that might have a less capital and still hold a monopoly of the business? Does he think $50,000,000 is low enough? I should like his views as to why he made it fifty millions instead of, say, twenty-five millions.

Mr. HITCHCOCK. I will say to the Senator from Kansas that I presume it was because of my extremely conservative nature. I do not like to go too far. I thought possibly there might be danger that a concern of less capital, manufacturing some comparatively insignificant article, might be involved. I am not at all wedded, however, to the $50,000,000 limit. If any reason can be shown why it should be made $25,000,000, I shall be glad to accept the suggestion.

Mr. BRISTOW. I feel that I should say that my idea as to the control of the trusts has been along different lines from those proposed in this amendment. I have felt that we ought to have an industrial commission, given powers to inquire into the operations of all of these concerns, and with authority to correct any monopoly that might exist. I have pending now before the Committee on Interstate Commerce a bill to that effect; but this amendment seems to me to be very desirable. I can not see how any harm could come from it. Certainly it would not interfere with any business that was conducted along legitimate lines and did not maintain itself by virtue of the power it might have as a result of a monopoly.

I shall certainly most heartily support the amendment.

Mr. BORAH. Mr. President, I wish to ask the Senator from Kansas and the Senator from Nebraska if this extraordinary tax is placed upon these monopolistic combinations, what means have we to prevent the combinations from transferring practically all of the tax to the consumer? Take the case of the American Tobacco Co., the corporation which gave rise to this amendment.

Mr. BRISTOW. I will say to the Senator that this tax is on the net income. It is not on the gross business. It is levied after the commodities have been sold and distributed and consumed, upon the profits that accrue from the business.

Mr. NORRIS. If the Senator will permit me, even though we might admit that the tax could be passed on, I presume the theory of the amendment is that if it were passed on it would enable those who are independent and who do not have to pay this high tax to get on the market with a cheaper article and thus bring about real competition.

Mr. BORAH. That would be true if there were no monopoly.

Mr. NORRIS. This applies where they control from one-quarter up of the product. Unless some concern controlled the entire product they would not be able to pass on this tax, even if otherwise they could do so, providing somebody else was manufacturing it at a lower price and was able to put it on the market.

Mr. BRISTOW. The Senator from Idaho will observe, on page 2, in subdivision C, that the amendment provides that "if its production or sale be one-half or more of the total amount of any line of production for the whole country, its annual tax shall be twenty times the normal tax hereinbefore imposed." When you impose a tax that heavy, it seems to me, it gives the smaller concern an opportunity to compete in the market. It puts a handicap upon the monopolization of the American market by a giant concern and relieves the smaller producers from that burden.

The idea plainly is to give the small man a chance in his competition with the powerful concern. If there is anything needed in American commercial or industrial life to-day it is just such legislation as this. It is all very well for us to go on the stump throughout the country and advocate the control of monopolies and denounce them violently, and then, when an opportunity comes in the United States Senate, to refuse to vote for a measure that would, to some extent at least, put a handicap on them in their efforts to monopolize the American market.

I think we owe a debt of gratitude to the Senator from Nebraska for presenting an amendment like this, which enables us at least to express our views as far as that principle goes.

Mr. THOMAS. Mr. President, some time before the Democratic caucus assembled the Senator from Nebraska introduced an amendment which was aimed at and intended to affect the American Tobacco Co. I should like to ask him if it was not that amendment which was discussed and which received the vote to which he referred a few moments ago?

Mr. HITCHCOCK. If the Senator will permit me to reply, I not only introduced my tobacco amendment, which was referred to the Committee on Finance, but I also introduced an amendment very similar to this now pending providing for a graduated tax upon the incomes of trusts. That amendment also was referred to the Committee on Finance of which the Senator from Colorado is a member. That committee ignored it.

If a committee is to control the caucus, and the caucus is to control the party, and the party is to fix legislation, I think the committee at least ought to give hearings, and ought to give an opportunity for the consideration of the legislation upon which it passes.

Mr. THOMAS. I am very sorry that my question seems to have offended the Senator. I asked the question in perfect good faith. I am of course aware of the fact that this amendment and the other amendment were introduced and referred as the Senator says; but I am here to assert from my recollection that it was the tobacco amendment which was there discussed, and which there received the vote to which the Senator refers. I may be mistaken; my memory may be infirm, but that is my recollection, because I know that my chief objection to the amendment was that it was aimed at a particular concern, and was not general in its terms and purposes.

Mr. HITCHCOCK. The Senator states the matter correctly so far as he goes; and I certainly regret it if in the heat of my remarks I have seemed to reflect overseverely upon the Committee on Finance. I realize that the committee has done a great work, and that it has been burdened with details; but I think a matter which was serious enough to command the attention of the Democratic caucus for two days should have been given 15 minutes consideration by the Committee on Finance.

I introduced not only my tobacco amendment but this amendment. They were both referred to the Finance Committee, and both rejected by the Finance Committee, as I was informally informed some time thereafter.

I stated in my remarks here to-day that I did not ask the caucus to adopt either one of my amendments and bind all the Democrats to vote for them. All I asked was that the caucus should leave me free and leave its members free to present and vote upon those amendments here in the Senate. That is all I asked.

Mr. THOMAS. I think the Senator is aware of the fact that a vote was asked and taken upon his amendment.

Mr. HITCHCOCK. It was, but it was not asked by me. I said I did not ask it.

Mr. THOMAS. That is true; but it was nevertheless asked and recorded, and the matter was discussed by the Senator from Nebraska as well as by some others.

Mr. HITCHCOCK. That is true, but if the caucus had given me the privilege of presenting it upon the floor of the Senate I should have been entirely satisfied. It was the Senator from Arizona [Mr. ASHURST] who presented the amendment, because it seemed to be less offensive to members of the committee than to give me the freedom of offering the amendment here before the Senate.

Mr. HITCHCOCK subsequently said: Mr. President, I find upon examining the official report of the colloquy that occurred to-day between the Senator from Colorado [Mr. THOMAS] and myself that I placed an erroneous construction upon a question which he put to me. Under the erroneous impression that my statement was being questioned by the Senator from Colorado, I replied harshly and unjustly to him; and I desire to tender my apologies.

Mr. GALLINGER. Mr. President, some of the secrets of the Democratic caucus are now being revealed. I should like to ask those in charge of the bill if we may not have a transcript of the entire proceedings of that celebrated gathering? It might enable us to legislate more intelligently than we can otherwise, being in the dark as we are at the present time.

Mr. WILLIAMS. Mr. President, there is one very serious objection to furnishing the Senator from New Hampshire with a transcript of the proceedings of the Democratic caucus. If one came back from the dead with Democratic doctrine of any description, it would not appeal to the Senator from New Hampshire. It would not do him the slightest good if he had before him to-day every word of wisdom that was uttered in that conference.

One word more, Mr. President. I had not intended to get on my feet at all. In the most good-natured way possible I wish to announce that the Democratic Party in its own good time, and in the fullness of its wisdom, will deal with the trust problem. It will also deal with the banking and currency problem. It will deal with a great many other things. But it is not going to make this bill the vehicle of all sorts of reformations, and it is not going to deal with a great problem like the trust problem in any hairbrained manner. It is going to deal with it after full consideration and full hearings.

There are several bills dealing with the trust question pending now, introduced by several gentlemen. Perhaps when the Democratic Party comes to deal with that question it may avail itself of some of the propositions or some of the suggestions contained in this amendment. I do not know as to that. It will if it thinks it is wise. It will not if it thinks it is unwise. But it is not going to make this bill the vehicle for every manner of alleged reformation in some field or other.

Mr. GALLINGER. I can not refrain from expressing regret that we can not get this information that is lodged in the tomb of the Democratic caucus; but if it has been ordained otherwise, of course we must get along as best we can, without having information that we would very much like to possess.

I observe that the Senator has marked out a great program for the Democratic Party, which he says it is going to carry out in the fullness of its wisdom. I regret to say that in view of the past performances of that party, I am afraid the fullness of its wisdom will come short of the performance which the Senator from Mississippi suggests.

Mr. WILLIAMS. That may be, Mr. President, but if the Senator from New Hampshire approved of us in any way, we might not suspect our wisdom just for that reason, but we would suspect our Democracy.

Mr. GALLINGER. There is no question about the Senator's Democracy, and there is no question about the Democracy of this bill, because it is along the lines of ante bellum days, when Democracy was in its glory. It has been rehabilitated for a little while, but it will not last long.

Mr. CUMMINS. Mr. President, I have nothing to say with respect to the controversy between Senators on the other side of the Chamber as to the caucus. I have expressed my opinion heretofore with regard to that way of legislating, and I have not in the least degree changed it.

I do desire, however, for a very brief time to express my views upon the merits of the amendment proposed by the Senator from Nebraska. I am not content with the answer made by the Senator from Mississippi [Mr. WILLIAMS], who says that in the fullness of time and in the wisdom of the Democratic Party we will deal comprehensively with the trust problem. I suppose he means that when a majority of the Members on the other side of the Chamber come to the conclusion that we ought to legislate upon that subject we may be able to approach it.

I assume that the proposal of the Senator from Nebraska will be characterized as another assault upon wealth so graphically described by my friend from Massachusetts [Mr. LODGE] yesterday. I think that the Senator from Massachusetts did the country a great injustice, or the people of the country a great injustice, when he declared that there was a prejudice among the men and women of America against wealth as such. There is no such prejudice and there is no such feeling. I have never heard in any campaign, however heated, one word uttered against the man of wealth, the man of success. Success is as highly esteemed now as it ever was in the history of the world, but the last 25 years, and especially the last decade, have witnessed the accumulation of so much dishonest wealth, or, to speak more accurately, so much wealth has been dishonestly accumulated, that the criticisms against the methods which have been employed are sometimes regarded as criticisms against success or the expression of envy upon the part of those who have not been so successful.

When it is remembered that a great proportion of the immense fortunes of the country have been accumulated in ways that have fallen under the condemnation of every right-thinking man, it is not to be wondered at that in the effort to analyze the causes and in the effort to find some remedy for the evils which exist the superficial observer should think there was a campaign in progress against all success, against all wealth. It is not so. But when the country thinks of the $700,000,000 and more unfairly created in the organization of the United States Steel Corporation, which made fortunes beyond description for those, or some of those, who were engaged in the enterprise; when it is remembered that the Chicago & Alton Railway Co. rose overnight from a corporation of about $30,000,000 of capital to one of $130,000,000 of capital, absorbed by the unscrupulous but capable men who were engaged in the enterprise; when it is recalled that Mr. Carnegie, an estimable man, sold a plant to the United States Steel Corporation that was not worth by any fair standard of value more than $100,000,000 for $500,000,000, simply because there passed with it a certain monopolistic power, we can not be surprised if we find the people of the country alert and determined to thwart in some way these avaricious desires and to restrict these monopolistic powers.

This, fellow Senators, is the real thought at the bottom of all this agitation, and the sooner we recognize not only the right but the duty of reaching out for these dishonest fortunes and endeavoring in some way to prevent their increase or to prevent others from imitating what has heretofore been done, the sooner we will inculcate a real respect and a real regard for honest success and legitimate wealth.

If I had my way about it I would prefer to reach this subject through some other power of Congress. Primarily I would not adopt the taxing power in order to accomplish the purposes that every good citizen, I think, wants to accomplish. But there are times when we must take whatever power is at hand. There are times when our duty requires us not to wait for the future and for legislation of another character, although it reaches the same end, but to do what we can now, because in so doing we at least will have made one step in the long journey toward the abolition of great monopolies.

I do not agree with the sentiment that has been so frequently expressed here that we must not employ the taxing power for anything else than raising a revenue. I know that that must be the legal intent uppermost in our minds; but, incidentally, if we can while raising a revenue at the same time restrict monopolies and trusts we ought to do it.

You will all remember that when it was thought necessary to retire the circulation of State banks it was done through the

taxing power without any real purpose of raising a revenue. When it was thought best to protect the farmers of this country against frauds and deceptions in one of their products we protected them through the taxing power. I think no man will now criticize the efforts that were then made and the results that were then accomplished.

Only last year my friend from Massachusetts [Mr. LODGE], who deplores apparently the use of the taxing power for any other purpose than raising a revenue, introduced, and through his influence secured the passage of, a law taxing a certain kind of matches, not for the purpose of putting money in the Treasury of the United States, but for the purpose of protecting the lives and the health of the people. He is justly entitled to the gratitude of all the people of the country for the destruction of the business which thus menaced life and health, but the tax which was imposed in that bill was a prohibitive tax and could have no other effect than the destruction of the business which it concerned.

Therefore when we observe this great menace of monopolistic control in the industries of our country and see how slowly and ineffectively we have hitherto dealt with the subject, and see here an opportunity at least to discourage the increase of business of one corporation beyond a reasonable proportion, I think we ought to embrace the opportunity. We ought to pass the amendment. It will have the effect of discouraging any corporation from desiring to do more than 25 per cent of the business of the particular kind that the corporation carries on.

I am willing to go much further. I do not believe that any person or any corporation ought to be permitted to do more than 25 per cent of the whole business. If I had my way, and if there was any effective method by which it could be accomplished, no corporation should be permitted to grow to a magnitude that would enable it to take to itself more than 25 per cent of all of one kind of business of this great country. We are large enough always to maintain more than four corporations or four persons engaged in the same business.

Take the United States Steel Corporation, inasmuch as I have mentioned it, as an illustration. It does practically 50 per cent of the business in which it is engaged. I have no criticism upon the methods that it employs in the business itself, but it would be very much better for the people of the United States if instead of having one corporation doing 50 per cent of that business it was distributed among five corporations doing the same extent of business. If our object is to preserve the competition we have and to restore the competition we have lost, let us put every obstacle that we can in the way of any corporation going to the point at which it can exercise this monopolistic power.

Therefore it matters not to me whether this raises a revenue or not. I suppose it will raise some revenue, because I assume some of these corporations will be able to pay this added tax and still meet their competitors upon fair and even terms. But, however that may be, this will be some obstacle in the way of growth beyond 25 per cent of the business. There ought not, as it occurs to me, to be two minds about erecting whatever obstacle we can to prevent the onward march of monopoly and trust.

Mr. LODGE. Mr. President, I notice that the Senator from Idaho [Mr. BORAH] yesterday said that in the State of Massachusetts a few years ago the assessed valuation of all the real estate amounted to $2,000,000,000, while the valuation of all the personal property in the State, according to the assessment, amounted to only $500,000,000. I do not know to just what date the Senator referred, but I have gone back a few years. I have taken the report for 1910, three years ago. The total value of the real estate was $2,977,000,000 and the total valuation of personal estate was $2,050,000,000, a difference between them of only $900,000,000 instead of a billion and a half or two billion, showing that the valuation of the personal estate is very close to the valuation of the real estate. Fifty-one million dollars——

Mr. NORRIS. Will the Senator yield right there?

Mr. LODGE. I should like to put in the figures consecutively. Fifty-one million was raised by the tax on real estate—I do not give the detailed figures—and $34,000,000 was raised by the tax on personal estates. I am reading from the tax commissioners' report covering the year 1910.

Mr. NORRIS. Now, Mr. President, if the Senator will yield, for the sake of information I should like to know if he has any estimate as to what proportion in value of personal property this particular assessment covers? How much, on a percentage basis, of the value of personal property was really listed for taxation?

Mr. LODGE. I do not know. That is undertaking to make them state the property that escapes taxation. Undoubtedly some property does escape it. That is the case everywhere.

Mr. NORRIS. I understand; but the Senator was reading from some statistics, and I supposed that perhaps the officer making that report had given those figures.

Mr. LODGE. They give no estimate of the amount that escapes taxation, because if they could they would get it.

Mr. NORRIS. Not necessarily.

Mr. LODGE. They would come pretty near getting it.

Mr. BORAH. I think that is a mistake, because it has been estimated very closely and very accurately, apparently, by a great many tax commissions that they get for taxation only about 20 or 25 per cent of the personal property. I did not cite Massachusetts, because Massachusetts was an exception; but there are other States in which when estates come to be probated it is shown that they have paid taxes upon about one-twentieth of what they were worth.

Mr. LODGE. Unquestionably some personal property more or less escapes everywhere. It is very difficult to determine how much has escaped because the very fact that it escapes shows that it is concealed, and any estimate must necessarily be guesswork. I am far from defending it. I know when estates go to probate they often exhibit a much larger amount than they are taxed, but under our system which in the main has been in existence for centuries, the man is not required to make a sworn return. In the towns and cities he is doomed, as it is called, so much personal property. If it is more than he thinks he ought to pay on, it is upon him to make a return. Of course, under the dooming a certain amount necessarily escapes, but there is no such gap as the Senator suggested; just as undoubtedly a certain amount of real estate is undervalued where dealing with 300 or 400 towns and cities. I know towns where they put what they consider the full valuation on real estate, and then tax all the real estate in the town one-half its valuation.

Mr. GALLINGER. Mr. President——

Mr. LODGE. I yield to the Senator.

Mr. GALLINGER. I will ask the Senator from Massachusetts if it is not the custom in New England largely, if not entirely, where property is doomed, where a return has not been made, to increase the rate two or three times so as to punish them in that way? That is the case in New Hampshire, I know.

Mr. LODGE. In cities and towns where taxes are high and money is greatly needed dooming is very severe and comes right up to the edge. In other towns and cities where there is no debt, perhaps, or they do not require such large taxes they do not push the dooming to the limit.

Mr. NORRIS. I wish the Senator would explain, as a matter of information, just what method is employed that he has termed "dooming."

Mr. LODGE. It is done by the assessors of a city or a town, as the case may be. The theory is that all personal property, including income of every kind, is to be taxed. Nothing is exempted practically, except double taxation of mortgages; that is, mortgaged property is taxed once and they do not tax a mortgage in the hands of the mortgagee. With that exception, everything is supposed to be taxed. The assessors value the real estate and make another such valuation as they think proper for taxation. They then value the man's personal property and make their estimate on it and put it at anything they please.

Mr. NORRIS. Upon what basis? Do they not consult the taxpayer in any way? Does he not have to make some return of his personal property?

Mr. LODGE. He has to make some return if he is dissatisfied with the dooming.

Mr. NORRIS. Then dooming, as a matter of fact, would be mostly guesswork, would it not?

Mr. LODGE. It may be mostly guesswork, but if you lived in one of the cities or towns of Maine or Massachusetts you would think they doomed you for about all you had. It is a very common practice in many of the cities to go on increasing dooming and to make it just as high as they can. Men avoid making returns, of course, because they do not want the value of their property publicly known. That is the case in Massachusetts, and the same plan, I believe, prevails in the District, as the Senator from Utah [Mr. SUTHERLAND] suggests to me. Undoubtedly some personal property escapes under any system the wit of man can devise, but in the valuation of personal property there is no such gap—at least there has not been of late years, and I am not aware that there ever has been such a gap—as the Senator from Idaho [Mr. BORAH] has described.

Mr. BORAH. Mr. President, the figures which I used yesterday were taken from some remarks which I made in the Senate on the 3d day of May, 1909, at the time when the Senator from Massachusetts took part in the debate. At that time when the figures were challenged, I had the report to which I referred upon my desk, and I read from it. I am not able to give the Senator this morning the report from which I read, but I know

that I can secure it. I had it on my desk then. The debate on this particular subject came up unexpectedly yesterday.

Mr. LODGE. Of course, I do not question that the Senator took his figures from some authentic source; but certainly they do not correspond with the present figures.

Mr. BORAH. And I think the Senator from Massachusetts will agree with me that practically all the writers upon taxation have agreed that an assessment of personal property is a failure, and that it is agreed generally among them that the assessors do not get over 20 per cent of the property.

Mr. LODGE. I think it is agreed among those writers that to assess personal property is a clumsy system; but I do not remember what percentage they say can be got, though certainly a great deal more than 20 per cent is got in the State of Massachusetts. I am sure of that.

Mr. BORAH. Well, I have given some attention to the matter, and I have never——

Mr. LODGE. I will say that since the debt of the State has increased taxation has risen, and the State authorities undoubtedly have been of late years appraising the valuation of property at much more than they did before. You can see how the valuation has risen.

Mr. STONE. Mr. President, it is impossible for us on this side of the Chamber to hear what the Senator is saying.

Mr. BORAH. Was the Senator from Missouri making a remark? I did not catch it.

Mr. LODGE. I do not want to detain the Senate——

Mr. STONE. I said I could not hear what was said on the other side of the Chamber, and I have not heard what the Senator from Idaho has just said.

Mr. LODGE. I will say, very frankly, that the Senator from Idaho and I were not debating the measure under consideration, but we were discussing some figures which the Senator from Idaho gave yesterday, which have no bearing on this debate. I am sorry to have delayed the Senate from its business even for so long a time as I have.

Mr. WEEKS. Mr. President, I should like to suggest, in addition to what my colleague [Mr. LODGE] has said, that there is a large amount of personal property in Massachusetts which is exempt under our laws. For instance, mortgages on real estate in Massachusetts are not taxable. For that reason there are hundreds of millions of dollars of that character of personal property known to exist which are not included in the lists of personal property held by residents of the State.

Mr. LODGE. Of course, those mortgages are all known, if my colleague will permit me, because they are all matters of record. They ought not to be taxed.

Mr. BORAH. I did not refer to Massachusetts as an exception.

Mr. LODGE. I understand that.

Mr. BORAH. But it is an important matter as to how much of the personal property of the country is reached. That has been pretty thoroughly investigated by tax commissions and by the National Tax Association. The figures which I have quoted came from sources of that kind.

Mr. STONE. If the Senator will pardon me, I should like to inquire whether we have before us at this time an amendment to some law in the State of Massachusetts?

Mr. LODGE. I am sorry to disappoint the Senator, but I do not think we have.

The VICE PRESIDENT. The pending amendment is one to the tariff bill which is now under consideration.

Mr. WORKS. Mr. President——

Mr. WILLIAMS. Let us have a vote on the amendment.

Mr. WORKS. Mr. President, I am sincerely glad, I am rejoiced, that at least one Democratic Senator has had the moral courage, the independence, and the patriotism to protest against the despotic power of the secret caucus. I think this country owes the Senator from Nebraska [Mr. HITCHCOCK] a debt of gratitude for the independence he has shown in the stand he has taken. If this sentiment is the beginning of a movement that will absolutely destroy the secret caucus, it will be worth more to this country, in my judgment, than any tariff bill that can be passed during this session of Congress.

I am in entire sympathy with the object and purpose of the amendment offered by the Senator from Nebraska, but I could not let this opportunity pass without expressing my appreciation of the stand the Senator has taken upon this important question.

Mr. BRISTOW. Mr. President, I was interested in the statement of the Senator from Mississippi [Mr. WILLIAMS] that the Democratic Party in its own time and at its own convenience would provide a proper regulation for the trusts. I can see the same spirit prevailing on the part of the Senators in control of this bill now which prevailed on the part of the Senators in control of the tariff bill four years ago—a dependence upon the power of a majority vote independent of the merits of the proposition submitted.

Under the rule that is controlling the proceedings of this Chamber now, 26 Senators compose a quorum of the caucus of the dominant party, and a majority of 26, or 14, can determine what shall be the action of the Senate, and any Senator who refuses to obey the orders or the mandates that may be issued from that caucus is branded as a bolter from his party.

I appreciate the position which the Senator from Nebraska [Mr. HITCHCOCK] has taken here this morning, and I think I can understand something of the spirit that animates him. I myself, in connection with some other Senators, have stood up and advocated amendments that we believed ought to be made to a tariff bill, and thereby incurred the displeasure of those then in control of our party's management. To my mind the caucus method is a dangerous method, and it will not, in my judgment, receive the approval of the American people. The quicker it can be exposed in all its hideousness the better it will be for the country, and the quicker the dominant party disclaims such a system of legislation the better it will be for that party.

So far as using the taxing power to regulate trusts, as the Senator from Nebraska and the Senator from Iowa have both said, it is not new. It is employed to-day; it has been employed for many years, as the Senator from Iowa has illustrated; it can be employed now by adopting this amendment, and the results from such legislation will be desirable. Instead of waiting for some future time, with its uncertainties and its accidents, why should we not employ the opportunity that is here now to accomplish something along this desirable line?

Mr. STONE. Mr. President, having heard this luminous and all-pervading speech of the Senator from Kansas several times, I think we might now have a vote.

Mr. NORRIS. Mr. President, I had not intended to say anything on this question at this time, but it seems to me that I ought not to let this occasion pass without expressing my gratification and my congratulations to my colleague in the Senate [Mr. HITCHCOCK] for the stand he has taken before the Senate and before the country on this particular proposition.

I have not agreed, and do not agree, with my colleague as to a great many measures that have been presented, and perhaps as to many which will be presented in the future, involving some of the basic principles of government; but, to my mind, a man has taken the greatest step for the good of his country and the good of any party when he declares his independence and refuses to permit any caucus to control his official action in an official body.

If I refer in uncomplimentary language to the caucus, I do so without having any reference to any individual or any intention to charge any individual with any lack of patriotism or lack of honesty or lack of ability. I know it is one method of government; but, to my mind, my colleague has taken the right step, and although, as I have said, we disagree greatly on a great many questions, I think it due to him that I should say, and say publicly, that I shall be glad to make the statement either here or elsewhere at any other time.

Since he has taken this step, I sincerely trust and hope that he will take the next one. He has not yet gone the full length. He has, as a rule, I think perhaps without exception, voted as the caucus decreed on all matters except this one; and he has said, and said truly, that, particularly on yesterday, amendments were proposed here on this side which appealed to many Members on the other side, as I know they did to him. He will feel better and he will be able to accomplish more good for his country and his fellow men when he takes the next step and refuses to permit a caucus to control his official action or his official vote at any time or on any occasion and on any question where he has reached conscientious convictions as to his duty.

It seems to me that here in this body, where official record is kept, where the public are able to see and to hear what is said and what is done, in the last analysis, every man, whenever he has an official vote to cast or an official act to perform, ought to be guided only and entirely by the dictates of his own conscience as to what is right and as to what is wrong on that particular question.

I know that there are matters of policy and matters of detail where men, whether they are here or elsewhere, if they are reasonable and fair, will be willing to give way to their fellows, but it should always in the end come home to the individual for him to decide for himself whether on a particular occasion or on a particular question he should give way, or whether he should follow his own idea as to what is just and what is right.

I believe, Mr. President, that the time is coming when members of the Democratic Party will do as some members of the

Republican Party have done heretofore—break the caucus shackles—and, in my judgment, when that is done, any act that is passed through this body and the House of Representatives, where the same rules shall eventually prevail, will mean the honest and the sober judgment of a majority of the Members of the Congress of the United States; and in that way alone will a majority of the people be able to put on the statute books their sentiment and their will.

Mr. LANE. Mr. President, in truth, I am getting a little tired of these lectures, and I wish to express my disapproval of them. In relation to the amendment presented at the Democratic conference, of which I was a member, by the Senator from Nebraska, I wish to say that it related to a single trust, namely, the Tobacco Trust, which produces a luxury and not a necessity of life. I voted upon and against it as a free man, unbound by any dictation from the caucus, and declared to the caucus that I would not be bound by it. I was not asked to be bound there, nor am I bound here. I voted against that proposed amendment for the reason that I considered it an absolutely unfair proposition. It dealt with but one trust. If the Senator from Nebraska wants to go into that question, let him take it up in a fair manner and treat all trusts alike, and I will travel down the road with him.

I was very much better pleased with the conduct, the explanations, and the actions of my other associates than I was with the conduct of the Senator from Nebraska on that occasion. He was impatient and strictly interested in a measure of his own. It was not a measure that would have been given consideration in the Senate by either side. I merely wish to say this much in justice to Senators on this side of the Chamber.

It is being assumed here that the amendment of the Senator from Nebraska, which was submitted in the conference, covered all trusts. It did not do so. I do not know how far it goes at this time; but at any rate it seemed to me then that it was a proposition which should be acted upon separately and not be tacked onto a measure, which, even by the greatest good luck, can not fail to have errors and mistakes enough in it under the present circumstances.

I have not been in entire accord with the members of my party, and am not now, in relation to the income-tax amendment, and I take the liberty of saying that I expect that they will look into that matter and satisfy me before I finally vote upon it. Incidentally and accidentally the other day, after being hurriedly called upon to vote, on subsequently looking over the roll call I found myself in a position which has rather embarrassed me and upset my digestion. I am beginning to have doubts about the wisdom of one of my votes on that subject, and I am going to ask to have a chance to change it later on. I found myself, to my surprise, in company with which I am unused to travel.

Mr. SUTHERLAND. Mr. President, I desire to ask the Senator from Nebraska a question relative to his proposed amendment. In the first place the provision is—

> That whenever a corporation, joint-stock company, or association shall produce or sell annually one-quarter or more of the entire amount of any line of production in the United States—

It shall be taxed as thereafter provided. Does the Senator mean by that that if a corporation produces in the United States more than one-quarter of a given commodity, it would be liable to a tax although it should sell the greater part of it abroad?

Mr. HITCHCOCK. That might raise a very interesting question, but I think it would be subject to the tax.

Mr. SUTHERLAND. I merely want to understand whether the Senator intends to include that kind of a case.

Mr. HITCHCOCK. I think that if it produces more than one-quarter of the American production, it would be considered as approaching a monopoly to that extent, and subject to taxation wherever it sold its product.

Mr. SUTHERLAND. Suppose it produced, we will say, one-fourth of the entire amount of a given commodity in the United States and sold in the United States only one-tenth? I simply desire to get the Senator's view of the meaning of the provision.

The other question I wish to sumbit is this: On page 2, beginning on line 16, the language of the amendment is:

> But no line of production shall subject a corporation to any additional tax imposed by this paragraph unless said line of production amounts to at least $10,000,000 a year.

Does the Senator mean by that that the entire production of a given article in the United States shall amount to $10,000,000 per year, or does he mean that the production of the corporation or association which is sought to be made liable to the tax shall amount to $10,000,000 per year?

Mr. HITCHCOCK. I undoubtedly intended to express the idea that this tax was not to apply where the total line of production was less than $10,000,000 a year; that is, it would not apply where it was some specialty that was not sufficiently important for a control of the production to be a hardship.

Mr. SUTHERLAND. The Senator intends to apply this tax only to articles which are produced in such enormous quantities as would be indicated by the $10,000,000?

Mr. HITCHCOCK. Yes.

Mr. SUTHERLAND. And not to require that such quantity shall be produced by the given corporation?

Mr. HITCHCOCK. That is correct. It was intended simply to reach the great, notorious concerns that employ $50,000,000 capital or more and produce a certain percentage of the total production.

Mr. SUTHERLAND. So far as I am concerned, I entirely approve of this method of dealing with these great combinations. I think probably some such use of the taxing power will be the most effective way by which we can reach the evils which we all recognize exist.

I think it is a very unfortunate thing in any country when any individual or any combination of individuals, whether in the form of a corporation or otherwise, produce and sell an abnormally large proportion of a given commodity. The direct effect of that is to stifle competition; and I think competition is a very necessary thing and ought to be preserved.

While I think there are a number of crudities in the amendment that ought to be worked out before it could become effective as a law, I am so much in favor of the general principle involved that I intend to vote for it.

Mr. BORAH. Mr. President, before the Senator takes his seat I should like to ask him a question.

The Senator has stated that he intends to vote for this amendment. That encourages me very much to vote for it, because I have great respect for the Senator's legal knowledge and his judgment generally. But what I should like to ask the Senator is, how are you going to protect the consumer from having this tax transferred to him? If I thought it could not be transferred I would likely support it, and may do so, anyway, but rather as a declaration in favor of a principle than the belief that it will work out successfully.

Mr. SUTHERLAND. I do not know that he can be entirely protected, but I have always had this particular notion about these combinations—that even though the enforcement of unlimited competition should result in an increase of prices, it would still be a desirable thing.

The difficulty with a great combination which controls the output of a commodity is that it drives every aspiring man from the field. If it could be imagined that half a dozen great combinations, for example, should control the output of the staple commodities of the country, although they might cheapen the article to the consumer, and undoubtedly they would be able to cheapen the article to the consumer, I think we would pay too big a price for the cheapness in the discouragement which such a situation would give to everybody who might desire to embark in the particular lines of business represented by these great combinations and in the final breaking down to a greater or less extent of the opportunity for individual initiative and the stifling of individual development which would gradually but inevitably result.

I think in the production and sale of commodities, particularly those whose price can not be regulated by law, as is the case with reference to railroad transportation, it is of vital necessity that thoroughgoing competition should be preserved; and I think a provision of this kind will have a tendency in that direction. I think perhaps it may be true that to some extent the increased tax will be shifted to the consumer, although to a certain extent that will be offset by the fact that it will give opportunity for the smaller independent producers to compete upon more equal terms with those who control a large part of the commodity.

Mr. SMOOT. Mr. President, the question asked by the Senator from Idaho was a very pertinent question. Taking into consideration all the evidence that has been given before every committee of the Senate and the House I have no doubt that this tax will be transferred to the ultimate consumer. Whatever tax may be added will be figured in by the great corporations in the same way that they figure their local taxation, in the same way that they figure the interest upon their bonds, and every other expense attached to maintaining their business, and it will be added as a part of the cost of producing whatever they may manufacture.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I yield.

Mr. NORRIS. I desire to ask the Senator if he does not think the general proposition that the tax can be passed on would not apply here, because the competitor who is not able

to control any part of the market will not pay this tax? This is a tax that is paid only by the so-called monopolist.

Mr. SMOOT. I am coming to that very subject now. I hope the Senator will listen to what I have to say, for I will tell him in a very few words what I have noticed during my service in the Senate and in the discussion of this same question.

There never has been a time during the last 10 years when every independent manufacturer of steel goods in this country has not followed the price fixed by the trust, up or down. There never has been a time that I know of when the independent tobacco manufacturers of this country have not followed the price of the Tobacco Trust, up or down. The testimony before every committee of both the House and the Senate has shown that to be the fact.

If this tax is levied upon the Tobacco Trust, for instance, it will be added as a part of the cost of producing tobacco just the same as the interest upon their bonds is added, just the same as their local taxation is added, just the same as wages paid are added. When the cost is established they will add their profit upon that cost, and at whatever price they sell to the American consumer the independent manufacturers of the country will follow them.

Mr. NORRIS There is not any doubt but that the Senator states a proposition, I think, that is always followed wherever it can be followed. But the illustrations he gives are in every instance cases where no such law as this was in operation. I am not denying what the Senator says, but I think he ought to take into consideration the fact that his illustrations have that infirmity. If this amendment were on the statute books, the one who was operating the monopoly part of the business would have a tax to pay that the other one would not pay. So unless there should be a great deal of difference in the cost of production as between the independent manufacturer and the monopolist, the latter could not pass on the tax to the consumer and he would be driven out of business by competition.

Mr. SMOOT. It is my opinion that there is a great deal of difference in the cost of production. I believe the Tobacco Trust of this country manufactures tobacco cheaper than any independent concern in this country can do it. I believe the Steel Trust manufactures its products cheaper than any independent concern in this country can.

Mr. NORRIS. Does the Senator think they can do it 20 per cent cheaper?

Mr. SMOOT. In some cases; yes.

Mr. NORRIS. That is the limit in this amendment.

Mr. SMOOT. In some cases I think they can.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I yield.

Mr. BORAH. I desire to say that the questions which I have asked are asked by one who is very friendly to the purposes which this amendment seeks to attain—that is, the general purpose to control these combinations—and I can not say too much of the earnestness and courage of the author of it. But in 1898 we passed a tax which was designed to tax the output of the American Tobacco Co. and the American Sugar Refining Co., and it is now known beyond peradventure that those two companies pass on that tax to the consumer. In addition to that we passed a corporation tax some two or three years ago. I think the Senator from Utah supported that tax. I know some of us opposed it on the very ground that the corporations would pass the tax over to the consumer.

I could favor this proposition if I could be clear that it is so drawn as to prevent that being done in this case.

Some Senators here believe that the amendment is so drawn that it will prevent it. If so, I shall likely vote for it. But unless there is some means by which to prevent the tax being passed over to the consumer I am afraid it will not result in regulation. I say again that should I, after discussion, conclude to vote for it the vote will represent my conviction that something ought to be done rather than any faith in the efficacy of this particular remedy.

Mr. HITCHCOCK. Mr. President, will the Senator permit an interruption at that point?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I do.

Mr. HITCHCOCK. In reply to the several instances that have been given—say, for instance, the Steel Trust—I think the Senator from Utah will admit that the Steel Trust fixes prices, not upon the cost of production, but upon the fluctuating supply and demand; and such fluctuation as has occurred in the steel market has been due to the increasing or diminishing demand for steel goods.

Mr. SMOOT. And that, by the way, will continue in the future, no matter whether this tax is imposed or not.

Mr. HITCHCOCK. That is an influence which applies to large and small concerns alike. Here in this tax we have an influence which applies only to the large concerns. Take the instance of sugar, to which the Senator from Idaho refers. There, again, it is the supply and demand of sugar, the fluctuating supply, if not the fluctuating demand, which causes the change in the price of sugar from time to time. When the beet sugar comes upon the market the price of sugar has been invariably reduced. But here in this proposed tax we have a proposition which will not apply to the large and the small alike, but will apply only to the large. It gives an opportunity to the small to compete. It gives them an opportunity to enlarge their market against the large concern, that may be required to restrict its market on account of the tax.

Mr. SMOOT. The trouble with the Senator's argument is that past experience and history prove that no matter whether the advance has been 5 per cent, 10 per cent, or 20 per cent, the independents have followed it. They have not sold their goods upon the basis of cost. They have sold their goods upon the same basis upon which the trusts have sold their goods.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I yield.

Mr. CUMMINS. Of course, the argument of the Senator from Utah proceeds upon the theory that we can not have competition in this country at all. I grant that it will require all the skill and wisdom we have to maintain it. But suppose this amendment required the payment of 75 per cent of the income of the corporation into the Treasury of the United States. Does the Senator from Utah think the United States Steel Corporation could raise its prices so as to repair its treasury after the payment of that amount, and that the others would follow?

Mr. SMOOT. I do not, Mr. President.

Mr. CUMMINS. Certainly not.

Mr. SMOOT. I will come to that question in my argument. If it were possible to do so, I would support and will support any kind of a measure that will control trusts in this country. I hardly think this will do it, however. I think the proper way to do it will be to create an industrial commission along the lines of the Interstate Commerce Commission and give that commission the power to regulate the trusts and prices as the railroad rates are regulated in this country by the Interstate Commerce Commission.

Mr. CUMMINS. I am in favor of an industrial commission; but, looking into the future, it seems to me that a commission of that kind is more distant now than it ever was before.

Mr. GALLINGER. Why, Mr. President, an industrial commission has just been appointed.

Mr. CUMMINS. Not an industrial commission of the kind I have in mind.

This will not completely cure the trust evil, of course; but it will help, in my opinion. It can not be asserted as a positive fact that the independents or the smaller concerns will in every case follow the prices fixed by the larger concerns. They want to live, and each wants to get ahead; and there will be some competition excited by this amendment that otherwise would not exist.

Mr. SMOOT. It is a matter of opinion between the Senator and every other Senator. My opinion is that the amendment itself will not bring actual competition, because of the fact that the rates prescribed, in my opinion, are not sufficient to prevent the independents from following the prices fixed by the trust.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. Certainly.

Mr. BRISTOW. If the Senator's inferences prove to be true, can we not increase it, then, the next time and make it enough to control? I do not think that the steel company, with this handicap, will monopolize the business of the country so much as it does now. If 20 per cent is not enough, if that proves to be insufficient, let us make it 50 the next time.

Mr. SMOOT. It seems to me that there may be a way to do that, as I said, by the creation of an industrial commission and give them power to control the trusts and regulate the prices in this country.

Mr. BRISTOW. I desire to say that I have a bill pending before the Committee on Interstate Commerce now to create an industrial commission and give it, I think, drastic powers. But it has been there for a year and more, and when will it come out? I want to have an opportunity to do something. Still, the purpose seems to be to refuse to do something that we

can, because, in the future, in our own good time, as the Senator from Mississippi says, we propose to do something in our own way. This will not interfere with an industrial commission.

Mr. SMOOT. No; but an industrial commission ought to be created, and if it can regulate the trusts, well and good. If such a commission can not regulate the trusts, then I think there ought to be a provision of this kind, with penalties even greater than those here proposed. That is the position I take in relation to the matter.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. Yes; I yield.

Mr. BORAH. I am glad the Senator from Utah has joined the third party upon the question of the regulation of the trusts. I am not going to enter upon a discussion of the regulation of trusts, although the regulation implies the proposition that we have conceded they must exist and that there is no way to get rid of them. But I rose to ask the Senator from Nebraska, who I know has given a great deal of time to this matter, does he feel that this amendment with its terms and conditions will prevent its operation from being oppressive to the consumer?

Mr. HITCHCOCK. Most assuredly, Mr. President. I have enough faith in the American people to believe that competition, if given half a chance, will assert itself. I believe that if a concern occupies the field now and has 25 per cent of the business of the country, it has such a great preponderance of business that it is able to crush its competitor. I believe that by a tax you can handicap that concern so as to give competition a chance, and giving competition a chance it will live.

Mr. SMOOT. In answer to the Senator from Idaho in relation to joining the third party, I wish to say to the Senator that I do not have to join any party other than the Republican Party to vote my true convictions upon any question I am called to vote upon. I am fully convinced in my mind that there must be a regulation of trusts in this country. The first bill that comes before the Senate of the United States with that directly in view, I am going to support and vote for; and I do not propose to leave the Republican Party to do so.

Mr. TOWNSEND. I should like to ask the Senator from Nebraska how many trusts and corporations the amendment would affect, if he has looked into that question?

Mr. HITCHCOCK. I have recently made up a little computation here, for the accuracy of which I will not vouch entirely. As I figure it, the United States Steel Co. has a capital of $1,500,000,000, and its profits are $54,000,000. It would be subject, I think, under this amendment to a tax of 20 per cent, which would be $10,000,000.

The American Tobacco Co. has a capital of $98,000,000 and an annual profit of $15,000,000. I think its production alone would probably subject it to the tax applying to a concern having 25 per cent of the consumption of the country, to wit, 5 per cent; but if it should develop that the American Tobacco Co., Liggett & Myers, and the Lorillard Co. are owned to the extent of 50 per cent of the stock by the same stockholders, and they should be considered as one and as controlling 70 per cent of the tobacco business of the United States, they would be subject to a tax of 20 per cent upon their aggregate output.

I think the International Harvester Co., which made $15,000,000 in the last report, would be subject to the higher tax. The Standard Oil Co. unquestionably would be subject to the higher tax. There may be some others, but those occurred to me yesterday afternoon, and I had them looked up for this purpose.

Mr. TOWNSEND. The amount of earnings has nothing to do with it? It is the amount of capital and the amount of production that decides whether they are to be under this provision?

Mr. HITCHCOCK. No one is subject to this tax unless he is employing $50,000,000 capital.

Mr. WILLIAMS. Mr. President, the Senator from Utah having joined the Democratic Party by a profession of undying allegiance to the ultimate consumer, and having been invited into the third party by the Senator from Idaho, who has full authority for advice; and nearly all the presidential candidates in the third party having spoken to-day; and the junior Senator from Nebraska having mistaken the order of the day, evidently thinking his colleague here was dead and his eulogies were up, and he was to pronounce a eulogy upon him, can we not now have a vote upon the pending amendment?

Mr. HITCHCOCK. I ask for the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. JACKSON] and withhold my vote. If I were permitted to vote, I would vote "nay."

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], which I transfer to the junior Senator from Maine [Mr. BURLEIGH] and vote "yea."

Mr. LEWIS (when Mr. LEA's name was called). I was requested by the senior Senator from Tennessee [Mr. LEA] to announce that he is called from the Capitol on official business and that he is paired with the Senator from Rhode Island [Mr. LIPPITT].

Mr. LEWIS (when his name was called). Speaking for myself, I am paired with the junior Senator from North Dakota [Mr. GRONNA].

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS], and he being absent I withhold my vote.

Mr. POMERENE (when his name was called). I am paired with the senior Senator from Connecticut [Mr. BRANDEGEE] and therefore withhold my vote.

Mr. REED (when his name was called). I am paired with the Senator from Michigan [Mr. SMITH]. I have not been able to arrange a transfer, therefore can not vote. If I could vote, I would vote, with my party, "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from Ohio [Mr. BURTON] and withhold my vote.

Mr. TILLMAN (when his name was called). I again announce my pair with the junior Senator from Wisconsin [Mr. STEPHENSON].

The roll call was concluded.

Mr. BANKHEAD. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the senior Senator from Louisiana [Mr. THORNTON] and vote "nay." I make this announcement for the day. I desire to state that the senior Senator from Louisiana is unavoidably absent.

Mr. GALLINGER. I desire to announce a pair between the Senator from Delaware [Mr. DU PONT] and the Senator from Texas [Mr. CULBERSON].

Mr. LA FOLLETTE. I simply wish to say that the junior Senator from Minnesota [Mr. CLAPP] is unavoidably absent from the Senate Chamber for the balance of the day, and I am directed by him to say that if he were present he would vote for this amendment.

The result was announced—yeas 30, nays 41, as follows:

YEAS—30.

Borah	Dillingham	Nelson	Sterling
Bradley	Fall	Norris	Sutherland
Brady	Gallinger	Oliver	Townsend
Bristow	Hitchcock	Page	Warren
Catron	Jones	Penrose	Weeks
Clark, Wyo.	Kenyon	Perkins	Works
Crawford	La Follette	Poindexter	
Cummins	Lodge	Root	

NAYS—41.

Ashurst	Johnson	Robinson	Smith, S. C.
Bacon	Kern	Saulsbury	Smoot
Bankhead	Lane	Shafroth	Stone
Bryan	McLean	Sheppard	Swanson
Chamberlain	Martin, Va.	Sherman	Thompson
Clarke, Ark.	Martine, N. J.	Shields	Vardaman
Colt	Myers	Shively	Walsh
Fletcher	Overman	Simmons	Williams
Hollis	Owen	Smith, Ariz.	
Hughes	Pittman	Smith, Ga.	
James	Ransdell	Smith, Md.	

NOT VOTING—24.

Brandegee	du Pont	Lewis	Reed
Burleigh	Goff	Lippitt	Smith, Mich.
Burton	Gore	McCumber	Stephenson
Chilton	Gronna	Newlands	Thomas
Clapp	Jackson	O'Gorman	Thornton
Culberson	Lea	Pomerene	Tillman

So Mr. HITCHCOCK's amendment was rejected.

Mr. CUMMINS. I desire to present an amendment to be inserted at this point, although I do not want to take it up at this time. I ask that it be read and passed over, with the consent of the chairman of the committee.

Mr. SIMMONS. Let it be read.

The PRESIDING OFFICER (Mr. WALSH in the chair). The amendment will be read

The SECRETARY. On page 186, after line 2, insert:

The tax paid upon that share of the net income distributed in dividends to stockholders whose entire annual net income from all sources, including such dividends, is less than the amount of individual net income exempt from tax under this act shall be reimbursed to such stockholders. The procedure and rules for reimbursement to be established by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury.

Mr. WILLIAMS. Mr. President, the Senator from Iowa had this identical matter before the Senate yesterday and addressed himself at considerable length to the question.

Mr. CUMMINS. I do not want it to be voted upon at this time.

Mr. WILLIAMS. I do not see why we can not vote on it, and if the Senator wants to discuss it further why he can not do it now.

Mr. CUMMINS. I make the request that it be passed over until to-morrow. If the requst is denied, then I must, of course——

Mr. WILLIAMS. No; I will not deny it, but I do think it is rather an abuse, when there is no particular reason for it, when Senators are here in person, to pass things over after they have been once discussed. But I shall not object, Mr. President.

Mr. CUMMINS. I have not discussed it; I have referred to it. The reason why I ask that it be passed over is that I am collecting some information with regard to stockholders of various corporations whose probable incomes are less than the taxable amount. I wanted to present that information to the Senate.

Mr. WILLIAMS. Why could not the Senator have brought it here this morning?

Mr. CUMMINS. Of course the Senator from Mississippi can take whatever action he pleases.

Mr. WILLIAMS. I do not object. Let the amendment be passed over.

The Secretary continued the reading of the bill.

The next amendment of the Committee on Finance was, on page 186, after line 2, to insert:

There shall not be taxed under this section any income from whatever source derived accruing to any State, Territory, or the District of Columbia, or any political subdivision of a State, Territory, or the District of Columbia, nor any income accruing to the government of the Philippine Islands or Porto Rico, or of any political subdivision of the Philippine Islands or Porto Rico.

The amendment was agreed to.

The next amendment was, on page 186, line 10, before the letter "(b)," to strike out "Second"; in line 15, after the word "year," to strike out "out of income"; in line 22, after "mines," to strike out "an" and insert "a reasonable"; in line 23, after "deposits," to strike out "on the basis of their actual original cost in cash or the equivalent of cash" and to insert "not to exceed 5 per cent of the gross value at the mine of the output for the year for which the computation is made," so as to read:

(b) Such net income shall be ascertained by deducting from the gross amount of the income of such corporation, joint-stock company or association, or insurance company, received within the year from all sources, (first) all the ordinary and necessary expenses paid within the year in the maintenance and operation of its business and properties, including rentals or other payments required to be made as a condition to the continued use or possession of property; (second) all losses actually sustained within the year and not compensated by insurance or otherwise, including a reasonable allowance for depreciation by use, wear and tear of property, if any; and in the case of mines a reasonable allowance for depletion of ores and all other natural deposits not to exceed 5 per cent of the gross value at the mine of the output for the year for which the computation is made; and in case of insurance companies the net addition, if any, required by law to be made within the year to reserve funds and the sums other than dividends paid within the year on policy and annuity contracts.

The amendment was agreed to.

The next amendment was, on page 187, line 5, after the word "contracts," to insert the following proviso:

Provided, That mutual life insurance companies shall not be required to return as a part of their income any portion of premium deposits actually returned to their policyholders within the year for which the income-tax return is made, nor any portion actually credited to the policyholders by being applied as a deduction from the amount of the premium otherwise due to the company within the year for which the income tax is returned.

Mr. WILLIAMS. I ask in behalf of the committee that the proviso be recommitted.

The PRESIDING OFFICER. If there is no objection, that order will be made. The Chair hears none, and the paragraph stands recommitted.

The reading of the bill was continued.

The next amendment of the committee was, on page 187, line 21, after the word "reserves," to insert the following proviso:

Provided further, That mutual marine insurance companies shall include in their return of gross income gross premiums collected and received by them less amounts paid for reinsurance, but shall be entitled to include in deductions from gross income amounts repaid to policyholders on account of premiums previously paid by them and interest paid upon such amounts between the ascertainment thereof and the payment thereof.

Mr. WILLIAMS. I ask that this proviso be recommitted.

The PRESIDING OFFICER. If there is no objection, that order will be made. The Chair hears none, and the paragraph stands recommitted.

The next amendment of the committee was, on page 188, line 5, after the word "exceeding," to insert "one-half of the sum of its bonded indebtedness and," so as to read:

Third. Interest accrued and paid within the year on its indebtedness to an amount of such indebtedness not exceeding one-half of the sum of its bonded indebtedness, and its paid-up capital stock outstanding at the close of the year, or if no capital stock, the capital employed in the business at the close of the year.

The amendment was agreed to.

The next amendment was, on page 188, in line 9, after the word "year," to insert the following proviso:

Provided, That in case of indebtedness wholly secured by collateral the subject of sale in ordinary business of such corporation, joint-stock company, or association, the total interest secured and paid by such company, corporation, or association within the year on any such indebtedness may be deducted as a part of its expense of doing business.

The amendment was agreed to.

The next amendment was, on page 188, line 20, after the word "association," to insert "loan"; in line 21, after "deposits," to insert "or on moneys received for investment and secured by interest-bearing certificates of indebtedness issued by such bank, banking association, loan or trust company"; on page 189, line 1, before the word "or," to insert "thereof"; in the same line, after "or," to insert "imposed by the"; in the same line, after "country," to strike out "as a condition to carry on business therein"; in line 6, after "income," to strike out "received" and to insert "accrued"; in line 18, after the word "mines," to strike out "an" and to insert "a reasonable"; in line 19, after "deposits," to strike out "on the basis of their actual original cost in cash or the equivalent of cash" and to insert "not to exceed 5 per cent of the gross value at the mine of the output for the year for which the computation is made," so as to read:

Provided further, That in the case of bonds or other indebtedness which have been issued with a guaranty that the interest payable thereon shall be free from taxation no deduction for the payment of the tax herein imposed shall be allowed; and in the case of a bank, banking association, loan or trust company interest paid within the year on deposits or on moneys received for investment and secured by interest-bearing certificates of indebtedness issued by such bank, banking association, loan or trust company; (fourth) all sums paid by it within the year for taxes imposed under the authority of the United States or of any State or Territory thereof, or imposed by the Government of any foreign country: *Provided*, That in the case of a corporation, joint-stock company or association, or insurance company organized, authorized, or existing under the laws of any foreign country such net income shall be ascertained by deducting from the gross amount of its income accrued within the year from business transacted and capital invested within the United States, (first) all the ordinary and necessary expenses actually paid within the year out of earnings in the maintenance and operation of its business and property within the United States, including rentals or other payments required to be made as a condition to the continued use or possession of property; (second) all losses actually sustained within the year in business conducted by it within the United States and not compensated by insurance or otherwise, including a reasonable allowance for depreciation by use, wear and tear of property, if any, and in the case of mines a reasonable allowance for depletion of ores and all other natural deposits not to exceed 5 per cent of the gross value at the mine of the output for the year for which the computation is made; and in case of insurance companies the net addition, if any, required by law to be made within the year to reserve funds and the sums other than dividends paid within the year on policy and annuity contracts.

The amendment was agreed to.

The next amendment was, on page 190, line 1, after the word "contracts," to insert the following additional proviso:

Provided further, That mutual life insurance companies shall not be required to return as a part of their income any portion of premium deposits actually returned to their policyholders within the year for which the income tax is made, nor any portion actually credited to the policyholders by being applied as a deduction from the amount of the premium otherwise due to the company within the year for which the income tax is returned.

Mr. WILLIAMS. The proviso beginning in line 1, on page 190, and ending with the word "returned," in line 8, is identical with the one previously recommitted, and I desire that this also shall be recommitted.

The PRESIDING OFFICER. There being no objection to that course, it will be so ordered.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 190, in line 16, after the word "reserves," to insert:

Provided further, That mutual marine insurance companies shall include in their return of gross income gross premiums collected and received by them less amounts paid for reinsurance, but shall be entitled to include in deductions from gross income amounts repaid to policyholders on account of premiums previously paid by them, and interest paid upon such amounts between the ascertainment thereof and the payment thereof.

Mr. WILLIAMS. This is a repetition of the proviso previously recommitted, and I wish it also to be recommitted.

The PRESIDING OFFICER. Accordingly, that proviso will likewise be recommitted to the Committee on Finance, in the absence of objection.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 191, line 1, after the words "portion of," to insert "one-half of the sum of its bonded indebtedness and"; in line 15, after the word "thereof," to strike out "as a condition to carry on business therein" and to insert "or the District of Columbia"; and in line 17, after the word "companies," to insert "whether domestic or foreign," so as to read:

Third. Interest accrued and paid within the year on its indebtedness to an amount of such indebtedness not exceeding the proportion of one-half of the sum of its bonded indebtedness and its paid-up capital stock outstanding at the close of the year, or if no capital stock, the capital employed in the business at the close of the year which the gross amount of its income for the year from business transacted and capital invested within the United States bears to the gross amount of its income derived from all sources within and without the United States: *Provided*, That in the case of bonds or other indebtedness which have been issued with a guaranty that the interest payable thereon shall be free from taxation, no deduction for the payment of the tax herein imposed shall be allowed; (fourth) all sums paid by it within the year for taxes imposed under the authority of the United States or of any State or Territory thereof or the District of Columbia. In the case of assessment insurance companies, whether domestic or foreign, the actual deposit of sums with State or territorial officers, pursuant to law, as additions to guarantee or reserve funds shall be treated as being payments required by law to reserve funds.

The amendment was agreed to.

The next amendment was, on page 191, after line 20, to strike out:

Third. The tax herein imposed shall be computed upon its entire net income for the year ending December 31, 1913, and for each calendar year thereafter.

And in lieu thereof to insert:

(c) The tax herein imposed shall be computed upon its entire net income accruing during each preceding calendar year ending December 31: *Provided, however*, That for the year ending December 31, 1913, said tax shall be imposed upon its entire net income accruing during that portion of said year from March 1 to December 31, both dates inclusive, to be ascertained by taking five-sixths of its entire net income for said calendar year.

Mr. BRANDEGEE. Mr. President, I notice in several instances in provisions similar to this the words "accruing during each preceding calendar year" are used. I wonder whether that better describes what is intended than would the word "accrued." It seems to contemplate a perfected thing that has happened during the preceding year, and I do not know but that the past participle of the word would more properly describe what is referred to. The word "accruing" would seem to me to contemplate a continuous process not yet completed, though I am aware it is sometimes used in a secondary way in another sense.

Mr. WILLIAMS. The Senator from Connecticut is right. The word ought to be "accrued" instead of "accruing."

Mr. BRANDEGEE. I call the Senator's attention to the fact that the same language occurs in several previous instances in the bill.

Mr. WILLIAMS. I think the Senator is right. I move to strike out the words "accruing during" and to substitute for them the words "accrued within."

The PRESIDING OFFICER. The amendment proposed by the Senator from Mississippi to the amendment of the committee will be stated.

Mr. WILLIAMS. The words first occur in line 25, on page 191, and I move the same amendment there.

The SECRETARY. On page 191, line 25, after the word "income," it is proposed to strike out "accruing during" and in lieu thereof to insert "accrued within."

The amendment to the amendment was agreed to.

Mr. WILLIAMS. I move the same amendment to the amendment of the committee, in line 4, on page 192.

The PRESIDING OFFICER. The amendment to the amendment of the committee proposed by the Senator from Mississippi will be stated.

The SECRETARY. On page 192, line 4, after the word "income," it is proposed to strike out "accruing during" and in lieu thereof to insert "accrued within."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 192, line 7, after the word "*Provided*," to strike out "*however*," and to insert "*further*."

The amendment was agreed to.

Mr. McLEAN. Mr. President, I should like to call the attention of the committee to the fact that there are manufacturing concerns that would be affected by the next proviso of the bill, which are neither corporations nor joint stock companies nor associations, and it has been suggested to me by those who own a very large concern in New England, which has several branches abroad, that they should have the same leeway as to the date of the filing of their returns, their estimates, and their tax as has a corporation. I suggest an amendment describing them as "any business or manufacturing concern," which would meet the situation suggested.

Mr. WILLIAMS. To what line does the Senator refer?

Mr. McLEAN. The phrase occurs in several places. I would suggest an amendment in line 9, on page 192, to insert between the word "company" and the word "subject" the words "or any business or manufacturing concern." We have many such concerns where brothers or other members of a family run the business.

Mr. WILLIAMS. If the Senator will draw up the amendments in the several places in which they should come, we will consider them.

Mr. McLEAN. I will call attention to it later.

Mr. WILLIAMS. Very well. The Senator may hand the amendments to the Senator from Indiana [Mr. SHIVELY] or to me.

The PRESIDING OFFICER. It is understood that these amendments may be offered later?

Mr. WILLIAMS. Yes; the Senator from Connecticut will hand the amendments to us and we will consider them. If we approve of them, we shall bring them in as committee amendments.

Mr. McLEAN. That is satisfactory.

The reading of the bill was resumed and continued to the word "reserves," on page 194, line 25.

Mr. WILLIAMS. Mr. President, I wish to have recommitted the proviso beginning with the words "*Provided further*," in line 25, on page 194, and going down to and including the word "thereof," in line 14, page 195.

The PRESIDING OFFICER. There being no objection, the part of the text referred to by the Senator from Mississippi will be recommitted.

The reading of the bill was resumed, and continued to the word "reserves," on page 196, line 8.

Mr. WILLIAMS. I ask that the proviso beginning on page 196, line 8, with the words "*Provided further*," down to and including the word "thereof," in line 23, be recommitted to the committee. It is identical with the other.

The PRESIDING OFFICER. There being no objection, the proviso referred to will be recommitted to the committee.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 196, line 25, after the word "exceeding," to insert "one-half of the sum of its bonded indebtedness and," and on page 197, line 23, after the word "country," to strike out "as a condition to carrying on business therein," so as to read:

Sixth. The amount of interest accrued and paid within the year on its bonded or other indebtedness not exceeding one-half of the sum of its bonded indebtedness and its paid-up capital stock, outstanding at the close of the year, or if no capital stock, the amount of interest paid within the year on an amount of indebtedness not exceeding the amount of capital employed in the business at the close of the year, and in the case of a bank, banking association, or trust company, stating separately all interest paid by it within the year on deposits; or in case of a corporation, joint-stock company or association, or insurance company, organized under the laws of a foreign country, interest so paid on its bonded or other indebtedness to an amount of such bonded or other indebtedness not exceeding the proportion of its paid-up capital stock outstanding at the close of the year, or if no capital stock, the amount of capital employed in the business at the close of the year, which the gross amount of its income for the year from business transacted and capital invested within the United States bears to the gross amount of its income derived from all sources within and without the United States. Seventh. The amount paid by it within the year for taxes imposed under the authority of the United States and separately the amount so paid by it for taxes imposed by the Government of any foreign country.

The amendment was agreed to.

The next amendment was, on page 198, line 22, after the word "as," to strike out "above," and in the same line, after the word "for," to insert "in this section or by existing law," so as to read:

All assessments shall be made and the several corporations, joint-stock companies or associations, and insurance companies shall be notified of the amount for which they are respectively liable on or before the 1st day of June of each successive year, and said assessment shall be paid on or before the 30th day of June: *Provided*, That every corporation, joint-stock company or association, and insurance company, computing taxes upon the income of the fiscal year which it may designate in the manner hereinbefore provided, shall pay the taxes due under its assessment within 120 days after the date upon which it is required to file its list or return of income for assessment; except in cases of refusal or neglect to make such return, and in cases of false or fraudulent returns, in which cases the Commissioner of Internal Revenue shall, upon the discovery thereof, at any time within three years after said return is due, make a return upon information obtained as provided for in this section or by existing law, and the assessment made by the Commissioner of Internal Revenue thereon shall be paid by such corporation, joint-stock company or association, or insurance company immediately upon notification of the amount of such assessment; and to any sum or sums due and unpaid after the 30th day of June in any year, or after 120 days from the date on which the return of income is required to be made by the taxpayer, and for 10 days after notice and demand thereof by the collector, there shall be

added the sum of 5 per cent on the amount of tax unpaid and interest at the rate of 1 per cent per month upon said tax from the time the same becomes due.

The amendment was agreed to.

The next amendment was, on page 199, at the beginning of line 11, to strike out "Fourth" and insert "(d)," so as to read:

(d) When the assessment shall be made, as provided in this section, the returns, together with any corrections thereof which may have been made by the commissioner, shall be filed in the office of the Commissioner of Internal Revenue and shall constitute public records and be open to inspection as such: *Provided*, That any and all such returns shall be open to inspection only upon the order of the President, under rules and regulations to be prescribed by the Secretary of the Treasury and approved by the President.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, if I can have the attention of the Senator in charge of this section, I wish to propose an amendment to be inserted after the word "President," in line 19, on page 199, and to read as follows:

Provided further, That the proper officers of any State imposing a general income tax may, upon the request of the governor thereof, have access to said returns or to an abstract thereof, showing the name and income of each such corporation, joint-stock company, association, or insurance company, at such times and in such manner as the Secretary of the Treasury may prescribe.

Mr. WILLIAMS. Mr. President, that amendment seems so absolutely unobjectionable that I imagine there will be no protest against it, and I shall take the liberty of accepting it.

Mr. LA FOLLETTE. I will say to the Senator that the suggestion of this amendment comes to me from the tax commission of Wisconsin.

Mr. WILLIAMS. I understand. It is merely to enable the State authorities to get information upon which they may base the administration of their State laws of like character.

Mr. LA FOLLETTE. I would like to say, further, Mr. President, that the same suggestion is made as to the returns of individuals, provision in regard to which occurs earlier in the section. Concerning that, however, I will talk to the Senator at his convenience.

Mr. WILLIAMS. I am afraid that that would involve too much expense. The amendment which the Senator has proposed would not.

The PRESIDING OFFICER (Mr. THOMPSON in the chair). The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. After the word "President," at the end of line 19, page 199, it is proposed to insert the following:

Provided further, That the proper officers of any State imposing a general income tax may, upon the request of the governor thereof, have access to said returns or to an abstract thereof, showing the name and income of each such corporation, joint-stock company, association, or insurance company, at such times and in such manner as the Secretary of the Treasury may prescribe.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was agreed to.

Mr. BRANDEGEE. Mr. President, in the hasty reading of the bill I was not quite able to follow, and I do not yet see, though there may be a reason for it, what is the meaning of the word "for," in line 6, on page 199. Let me read the part to which I refer, commencing in line 2:

And to any sum or sums due and unpaid after the 30th day of June in any year, or after 120 days from the date on which the return of income is required to be made by the taxpayer, and for 10 days after notice and demand thereof by the collector, there shall be added the sum of 5 per cent on the amount of tax unpaid and interest at the rate of 1 per cent per month upon said tax from the time the same becomes due.

Does that mean that only for 10 days 5 per cent additional shall be added?

Mr. WILLIAMS. I will ask the Senator to repeat his suggestion.

Mr. BRANDEGEE. Does it mean that the 5 per cent shall only be added for the period of 10 days?

Mr. CHILTON. Commencing 10 days after that.

Mr. BRANDEGEE. Then, I should think, if I get the idea of what is intended, it should read "and after 10 days after notice and demand thereof by the collector there shall be added the sum of 5 per cent," and so forth. I may be obtuse about it, but, as I have said, in the hurry of reading I did not understand it.

Mr. WILLIAMS. I think the Senator is right. I make the motion, or the Senator can make it, to strike out——

Mr. BRANDEGEE. Let the Senator make it.

Mr. WILLIAMS. I move to amend by striking out the word "for," in line 6, on page 199, and inserting the word "after" in lieu thereof.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 199, line 6, before the word "ten," it is proposed to strike out the word "for" and insert the word "after."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 200, after line 7, to insert:

In addition to the normal tax of 1 per cent as herein provided there shall be levied and collected an additional tax of 4 per cent per annum on the net income of railway corporations doing business in Alaska upon business done in Alaska, which shall be in lieu of the license tax of $100 per mile per annum now imposed by law.

The amendment was agreed to.

The next amendment was, in paragraph N, page 207, line 15, after the words "governments of," to insert "the District of Columbia," so as to make the proviso read:

And provided further, That nothing in this section shall be held to exclude from the computation of the net income the compensation paid any official by the governments of the District of Columbia, Porto Rico, and the Philippine Islands or the political subdivisions thereof.

The amendment was agreed to.

Mr. BORAH and Mr. JONES addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. BORAH. I yield to the Senator from Washington.

Mr. JONES. Mr. President, I move to amend the paragraph by inserting, after the words "Porto Rico," in line 6, a comma and the word "Alaska."

I desire to ask the Senator from Mississippi whether the committee gave any consideration to the proposition of giving to Alaska the same right you have given to Porto Rico and the Philippine Islands in regard to any income tax that may be collected in those jurisdictions?

Mr. WILLIAMS. Alaska is a regular Territory of the United States and is provided for under that language. Porto Rico is not a Territory, as the Senator knows; the District of Columbia is not a Territory, and the Philippine Islands are not. All the balance of our possessions are Territories, and Alaska falls under the general appellation of "Territories."

Mr. JONES. The point I make is that you allow all the revenue collected in Porto Rico and the Philippine Islands to go to those jurisdictions. While they may not be Territories in exactly the same sense that Alaska is, yet they have organized governments, much more so than Alaska. They have property titles far more than Alaska. The conditions in both those jurisdictions are far more favorable toward the collection of the tax and its use, even outside of those jurisdictions, than in Alaska.

Only last year we provided for a Territorial form of government in Alaska. The powers of the legislature there are very limited. They are not nearly so great as in the case of the legislative bodies of Porto Rico and the Philippines. No titles to real property have passed. They own practically nothing upon which taxes can be levied.

As a matter of fact, there is but very little income there except what is actually dug out of the ground. It seems to me we ought to help these people, if we possibly can, in starting their government. Their legislature first met in the spring of this year. They have no property that they can tax, because no titles can pass. About all the taxation they can raise is direct taxation.

It does seem to me that the conditions in Alaska should appeal much more strongly to those who favor a provision like this than the conditions in Porto Rico or the Philippines, and if the committee have not considered the proposition I wish they would do so.

Alaska must look to Congress for help. While we have given it a Territorial form of government, it is one of very limited powers. We have tied up all her resources, and while I hope we will open them soon, we have not yet done so. This is a small thing to do and we ought to do it gladly.

Mr. WILLIAMS. Mr. President, ever since this Government embarked upon the high seas of imperialism we have had one way of managing things in continental America and another way in the Philippines and Porto Rico. That never has met with the approval of my judgment, speaking individually. It has seemed to me that every foot of territory under the flag of the United States ought to be treated like every other foot of territory under the flag, and that there was no more reason why the Philippine Islands should be given the proceeds and benefits of Federal taxes than why Mississippi should be given them, much less Alaska. I never have seen any sense at all in it, as far as that goes. But we can not undo the whole system in this tariff bill, and we have recognized it as a thing that is existing. Hence this provision has been put in the bill. We do not care, however, to extend it still further to Alaska.

The truth is that all Federal taxes ought to go into the Federal Treasury, and taxes ought to be uniform everywhere. The truth is that this bill ought to apply to the Philippines as much as to the United States, as long as the Philippines are under our flag at all. But if we had undertaken to do it in this bill it would have brought on every sort of embarrassment. We would have had to amend all the laws that have been passed since we started upon this course.

I will say frankly to the Senator that I do not see any more reason why Alaska should not have the revenue collected from incomes in Alaska than why Porto Rico should have it; but I differ with him about wanting to give it to Alaska, because if I had my way I never would have given it to the others.

Mr. JONES. But, Mr. President, as a matter of fact, the committee have given it to Porto Rico and they have given it to the Philippines. I do not exactly appreciate the reason why it was given there. I do not think it should have been given. But it has been done, and I ask the same treatment for Alaska.

Mr. WILLIAMS. I think Porto Rico ought to be declared a Territory of the United States, the same as all our other Territories have been treated, and that we ought to get rid of the Philippines as soon as we can.

Mr. JONES. Porto Rico has a Commissioner on the floor of the House, who for all practical purposes has just as much authority as the Delegate from Alaska. The only difference is the difference between the names. They have an organized government in Porto Rico, much more comprehensive than that in Alaska. So if there are any reasons that appeal to us for allowing the people in Porto Rico and the Philippines to have this money, it seems to me that they should appeal to us all the more strongly in Alaska, where we are just starting a government and where, as I suggested a moment ago, they have no titles to land, as they have in Porto Rico and the Philippines.

Mr. WILLIAMS. This does not appeal to me any more strongly for Alaska than it does for Arizona or New Mexico, although they are States.

Mr. JONES. They are in the Union now, as States, and Alaska is the only Territory we have. It is separated from the main body of the country by several hundred miles. As the Senator has already said, there is certainly no more reason why these revenues should go to Porto Rico or the Philippines than why they should go to Alaska. In my judgment, there are far greater reasons why they should go to Alaska than to these other outlying possessions.

I had very much hoped the Senators in charge of the bill would be willing to allow Alaska to be treated the same as Porto Rico and the Philippines, and I hope the Senate will vote in that way.

Mr. WILLIAMS. I am sorry I can not accommodate my friend, but I can not think that way. It seems to me that that sort of thing has gone far enough and that we ought to retrace our steps rather than to advance further in that direction.

Mr. JONES. Of course Alaska is the only Territory we have left, besides Porto Rico and the Philippines; so that the proposition could not go any further.

Mr. WILLIAMS. I do not know; it may not be the only one we may have before we get through.

Mr. JONES. I hope it will be.

Mr. WILLIAMS. We have been left several times with very few Territories, but later on we had others.

Mr. JONES. I do not think we ought to be controlled in our action on this bill by the remote possibility of getting some other territory in the future. This bill is to deal with the present condition of things as they are.

Mr. GALLINGER. Mr. President, I am impressed with the suggestion of the Senator from Washington that Alaska might well be included in this list, but I wish to inquire why Guam is not included? Why is Porto Rico included and not the island of Guam? It has a governor.

Mr. WILLIAMS. I do not know.

Mr. LODGE. Or Tutuila?

Mr. GALLINGER. I think probably we ought not to take in Tutuila.

Mr. WILLIAMS. I think Guam is mentioned in the bill somewhere.

Mr. GALLINGER. I do not discover it.

Mr. WILLIAMS. You will find a general definition here, saying that wherever the word "States" is mentioned it shall include political subdivisions not mentioned elsewhere.

Mr. LODGE. Guam and Tutuila are excepted in the first section.

Mr. WILLIAMS. In the first section; that is what I thought.

Mr. LODGE. But they ought to be mentioned here, because they are there mentioned with the Philippine Islands. They ought to be mentioned here.

Mr. BRANDEGEE. They are mentioned in the first section only for purposes of tariff duties.

Mr. GALLINGER. That is all.

Mr. BRANDEGEE. This is the income tax.

Mr. LODGE. I think they ought to be included with the Philippine Islands. They are classed with them in the first section.

Mr. WILLIAMS. That may be.

Mr. GALLINGER. That was my view, and that is the reason I rose to suggest Guam. I see no reason why Porto Rico and the Philippine Islands should be dealt with more generously than our other possessions. I hope it will be consented on the other side that at least Guam may be included, and I assume that Tutuila is in the same attitude.

Mr. LODGE. Mr. President, I will suggest to the Senator from Mississippi, or to the Senator from North Carolina, that putting in Guam and Tutuila will make this section correspond to the first section. They ought to be enumerated. Where the Philippine Islands are spoken of as excepted, Guam and Tutuila ought to be excepted, too, for the sake of completeness, to conform to the first section.

Mr. WILLIAMS. I suspect the Senator is right. I am willing to accept that suggestion.

Mr. JONES. Mr. President, do I understand that the Senator from Mississippi is willing expressly to provide here that the income tax from these other Territories shall be left to them?

Mr. WILLIAMS. I did not understand that that was the suggestion of the Senator from New Hampshire.

Mr. BRANDEGEE. That would be the effect of inserting the names of those two islands.

Mr. JONES. Certainly.

Mr. WILLIAMS. Where would that amendment come in?

Mr. BRANDEGEE. On line 6, page 207.

Mr. WILLIAMS. The Senator from Washington is referring to one part of the bill, and this is a suggestion that is made to apply to the following part of it.

Mr. JONES. I understood it was made in connection with the part of the bill to which I have offered my amendment.

Mr. WILLIAMS. This part of the bill says:

That nothing in this section shall be held to exclude from the computation of the net income the compensation paid any official by the Governments of the District of Columbia, Porto Rico, and the Philippine Islands or the political subdivisions thereof.

Mr. GALLINGER. I will say to the Senator from Mississippi, if he pleases, that what I had in view was to add to the proviso which reads:

Provided, That the administration of the law and the collection of the taxes imposed in Porto Rico and the Philippine Islands shall be by the appropriate internal-revenue officers of those Governments, and all revenues collected in Porto Rico and the Philippine Islands thereunder shall accrue intact to the general governments thereof, respectively.

My suggestion was that I could see no reason why the island of Guam, which has a governor, should not also be included there. That was my purpose.

Mr. WILLIAMS. If that is what the Senator is talking about, I differ with him there. Guam is administered as what might be called a sort of a crown colony.

Mr. GALLINGER. It has a governor, has it not?

Mr. WILLIAMS. If I understand correctly—I may be mistaken—I think all the expenses in Guam are paid by the Federal Government, just as they are paid at a military station or reservation.

Mr. LODGE. I think that is true.

Mr. WILLIAMS. Then, of course, we do not want to have any income tax going to the treasury of Guam.

Mr. GALLINGER. I will say to the Senator that I was not aware of that fact, and I think it ought to be looked into. I had an entirely different impression.

Mr. JONES. Mr. President, I wish to say that this is a matter of very considerable importance, especially to the people of Alaska; and while I do not like to delay the consideration of the bill, I feel that I shall have to ask for a vote on the amendment I have proposed.

Mr. BRANDEGEE. If the Senator will allow me, before he asks for a vote, lines 7 and 8, on page 207, provide that this revenue "shall accrue intact to the general governments thereof." What would the Senator say was the general government of Alaska?

Mr. JONES. We have a legislature there; we have a treasurer and a governor—a Territorial government.

Mr. BRANDEGEE. Does it mean to pay it into the treasury of the Territory of Alaska?

Mr. JONES. Yes; certainly.

Mr. SIMMONS. Mr. President, would it not be just as proper to provide that this income should be paid into the treasury of a State? Alaska is certainly a Territory of the United States. These others here—for instance, Porto Rico—are not Territories of the United States. They are simply possessions of the United States. We have permitted them to use their own revenues for the purpose of paying the expenses of their own governments. But when you come to an organized Territory, so far as its relations to the Federal Government are concerned in the levying of Federal taxes, it stands upon a parity with a State.

Mr. SMITH of Arizona. If the Senator will permit me, the usual custom was to take everything from the Territories instead of giving them anything. That is my experience with national legislation in that particular.

Mr. SIMMONS. It may be that the Territories have not had quite a fair deal in the past. I do not know how that is. But I can see no reason why an income tax levied for the support of the Federal Government, if the taxpayer happens to reside in a Territory, should go into the treasury of that Territory any more than an income tax imposed upon an individual residing in a State should go into the treasury of that State.

Mr. JONES. But the Senator from Mississippi concedes that there is no more reason why the revenue coming from this tax in Alaska should go to the Federal Government than there was why it should go to it in Porto Rico or the Philippine Islands——

Mr. WILLIAMS. The Senator from Mississippi conceded that but asserted at the same time that it ought not to go into the local treasury in either event.

Mr. JONES. Certainly; but it does go into it in these other cases.

Mr. WILLIAMS. And the only excuse for it is that we could not disrupt existing conditions in this bill.

Mr. JONES. It certainly will not disrupt anything to bring this revenue into the Treasury of the United States; and it certainly would not disrupt anything to take this revenue and let it stay in Alaska, occupied by our own people, part of our territory, technically a Territory but without any lands or property upon which they can assess taxes to raise any revenue, most of its revenue coming from direct taxes, from licenses, and all that sort of thing. I can not see where there would be any disruption.

Mr. WILLIAMS. I meant by that statement that one rule has been established for continental America and another rule for the appurtenances or appendages of continental America, as the Supreme Court has called them. The Philippine Islands get all of their revenues. They get the import duties that are collected there.

Mr. JONES. Alaska does not.

Mr. WILLIAMS. In the Philippine Islands there is a good reason for it. We want to get rid of them in the course of time, and it is pretty well for them to have all their revenues kept there.

Mr. SMITH of Arizona. If the Senator will permit me to interrupt him, the Senator has no more sympathy for Alaska in its difficulties than I have.

Mr. JONES. I think that is true.

Mr. SMITH of Arizona. I presume I have had about as much experience with territorial existence and its relations to the Congress of the United States as any man who has ever lived in the whole world. I know what Territories suffer from. I see no reason, however, in this particular case for permitting the revenues under this bill to remain in Alaska any more than they should have remained in the other Territories which have now become States, except that in those days we had a greater freedom.

Alaska, by the course of conduct which has been followed toward her, has been absolutely robbed of the resources that she should necessarily have to support her government. I would suggest, rather, that the Senator from Washington and others join me in an effort to take the oppressive hand of the Government off of the property in the Territory of Alaska to which her people are entitled.

There never has been a Territory in the last 50 years that could not have easily taken care of itself if properly treated, and Alaska as easily as any of them, or easier, provided you will permit the brave and vigorous and strong spirits who have gone there to develop that country to have some sort of a right to develop it by getting possession of the resources of the Territory and using them, not only for their own benefit but in a way that will result in the greatest possible benefit to the common country. We ought to take the hand of the Government off of Alaska, or at least soften the grip, and give her a chance rather than to continue present conditions. This little income from taxes will amount to nothing and can do no good to Alaska, but may be held up against her when we try to give real aid.

Mr. JONES. I agree with all the Senator has so well said as to the treatment of the Territories and what Alaska might do if properly treated. He has said it much better than I could. The fact that we have treated the Territories unjustly in the past, however, should not be held as an excuse for continuing that injustice toward Alaska. While this will not do very much, it will certainly show a disposition on the part of Congress to deal at least fairly with the people in that far-away Territory, who are suffering under possibly far greater hardships than the people of any other Territory of the United States. I can not believe that Congress would take this for an excuse to treat Alaska unjustly in the future. That would be even worse treatment than we have accorded it heretofore, and that has been very bad.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. Certainly.

Mr. SMOOT. I wish to say that Alaska is treated with a great many more hardships than any other Territory that I know of, for the simple reason that all of her lands have been withdrawn. Nobody can get a foot of land in Alaska. Not a dollar of taxation is raised from the imposition of taxes upon lands there. She is off of the great highway of trade. There are a very few people in that vast territory struggling for existence. I recognize the truth of what the Senator from North Carolina says, that technically there would be no difference between taking this income and giving it to the treasury of a State on the one hand and giving it to the treasury of the Territory of Alaska on the other. The conditions in the two cases are entirely different, however. From a moral standpoint it does seem to me that we could at least do that much for Alaska for the reasons that have been so well stated.

Mr. JONES. Mr. President, I ask for the yeas and nays on my amendment.

Mr. KENYON. Let the amendment be stated.

The SECRETARY. On page 207, line 6, after the words "Porto Rico," the Senator from Washington proposes to insert a comma and the words "and Alaska."

Mr. BRANDEGEE. Mr. President, I do not see any reason for turning over the proceeds of this Federal income tax to the treasury of Alaska. Her people do not own the lands there. They lease them. They lease rights, and they make money, and they have incomes, and they are calling upon the Federal Government for a great many improvements. If they do not prosper there as other people do in their States, they are not compelled to stay there. If they want to raise money from their incomes for local purposes independently of the Federal income tax, they can impose one of their own, as other States do.

While I have nothing whatever against Alaska, I do not see any reason for making a special exception of that Territory and paying back to them for their own uses the moneys that the Federal Government raises for its uses.

Therefore I shall be compelled to vote against this amendment.

Mr. BORAH. Mr. President, I rose to offer the amendment which the Senator from Washington has offered. Having had considerable information from the Territory of Alaska as to the situation there with reference to taxable property, and the means by which they can raise taxes, I think they are entitled to this tax. They have not the property to tax, and under present conditions of governmental control they can not very well get it. If the country were open to exploitation or occupation as in other places there might be considerable logic in the argument of the Senator from Connecticut, but under present conditions it seems to me it is not well founded.

I do not desire to continue the debate, but I concur fully in what the Senator from Washington has said. The people of Alaska are building up that Territory under very adverse circumstances and conditions; and in my judgment they would build it up much more rapidly and efficiently if they were given an opportunity to do so. But certainly in building up their schools and their communities they need something in the way of taxes, and they ought to have that which is collected from them in this way.

Mr. SMITH of Arizona. Mr. President, reiterating my expression of sympathy for the people of Alaska, I think their condition is such that it will require much more for their relief than anything that could occur to them under this bill. For myself rather than put in a tariff bill a mere provision that they shall have covered into the treasury of the Territory the

taxes from the few people there who are able to pay them I should much prefer, if we still insist on keeping our hand on the throats of those struggling people, that we treat them as we have treated other dependencies of the United States, and provide for them out of the Treasury itself, provide for their government by paying the money to carry it on, or else give them an opportunity to run their government on the resources which they can easily run it on if they are given any sort of freedom.

I shall vote against this amendment; but fearing that that vote might reflect a want of sympathy for the people of Alaska, I felt it necessary to give this expression to my views on the subject.

Mr. CHAMBERLAIN. Mr. President, I am in cordial sympathy with the Senators who have expressed themselves in favor of opening up at least a part of the resources of Alaska to the people of this country, and I am usually in sympathy with the arguments of the Senator from Washington along this line. But I can not agree with him in reference to this particular amendment, for the reason that the Government of the United States appropriates quite largely for the support and maintenance of the government of Alaska. It makes contributions to its support which it does not make to any of the other States or Territories generally, and the money that might come to the Treasury through the imposition of this income tax would practically go back to Alaska again. So there is no particular reason why this amendment should be favored at this time.

I wanted to state this much, because I am not voting against the amendment because I am not in sympathy with the people of that country. Besides that I doubt very much if there are men in Alaska who have incomes generally that would be taxable under this provision. Those who have the largest interest in Alaska, those who have reaped the harvest from the resources of Alaska, are men who live principally in the United States proper, and many of them in the State of New York.

So I do not think there is any reason for the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Washington demands the yeas and nays on agreeing to the amendment offered by him.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair the same as on the previous roll call, and withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], which I transfer to the junior Senator from Maine [Mr. BURLEIGH], and vote "yea."

Mr. MCCUMBER (when Mr. GRONNA's name was called). My colleague [Mr. GRONNA] is necessarily absent. He is paired with the junior Senator from Illinois [Mr. LEWIS]. I will allow this announcement to stand for the day.

Mr. MCCUMBER (when his name was called). I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. He being absent I will withhold my vote.

Mr. REED (when his name was called). I am paired with the senior Senator from Michigan [Mr. SMITH]. If permitted to vote, I would vote "nay."

Mr. THOMAS (when his name was called). I transfer my general pair with the senior Senator from Ohio [Mr. BURTON] to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. TILLMAN (when his name was called). I again announce my pair with the Senator from Wisconsin [Mr. STEPHENSON]. This announcement will stand for the day.

Mr. WARREN (when his name was called). I am paired with the senior Senator from Florida [Mr. FLETCHER]. I therefore withhold my vote.

The roll call was concluded.

Mr. BRYAN. I wish to announce that my colleague [Mr. FLETCHER] is necessarily absent on public business.

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I am paired with that Senator and withhold my vote.

Mr. REED. I transfer my pair to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. LA FOLLETTE. I was requested to announce that the junior Senator from Minnesota [Mr. CLAPP] is unavoidably detained from the Senate. If present, he would vote "yea" on this amendment.

Mr. WILLIAMS (after having voted in the negative). I have just learned of the absence from the Chamber of the Senator from Pennsylvania [Mr. PENROSE], with whom I have a pair. I voted a moment ago. I want now to transfer my pair with the Senator from Pennsylvania to the Senator from Nebraska [Mr. HITCHCOCK], and let my vote stand.

The result was announced—yeas 28, nays 38, as follows:

YEAS—28.

Borah	Crawford	La Follette	Root
Bradley	Cummins	Lodge	Sherman
Brady	Dillingham	Nelson	Smoot
Bristow	Fall	Norris	Sterling
Catron	Gallinger	Oliver	Sutherland
Clark, Wyo.	Jones	Page	Townsend
Colt	Kenyon	Poindexter	Weeks

NAYS—38.

Ashurst	Johnson	Robinson	Smith, S. C.
Bacon	Kern	Saulsbury	Stone
Bankhead	Lane	Shafroth	Swanson
Brandegee	Martin, Va.	Sheppard	Thomas
Bryan	Martine, N. J.	Shields	Thompson
Chamberlain	Overman	Shively	Vardaman
Clarke, Ark.	Pittman	Simmons	Walsh
Hollis	Pomerene	Smith, Ariz.	Williams
Hughes	Ransdell	Smith, Ga.	
James	Reed	Smith, Md.	

NOT VOTING—29.

Burleigh	Gore	McLean	Stephenson
Burton	Gronna	Myers	Thornton
Chilton	Hitchcock	Newlands	Tillman
Clapp	Jackson	O'Gorman	Warren
Culberson	Lea	Owen	Works
du Pont	Lewis	Penrose	
Fletcher	Lippitt	Perkins	
Goff	McCumber	Smith, Mich.	

So Mr. JONES's amendment was rejected.

Mr. WILLIAMS. In behalf of the committee and in behalf of the Senator from Arkansas [Mr. CLARKE], I ask that the provision which I understand the Secretary is about to read, from line 18, on page 207, be passed over until Monday next, as the Senator from Arkansas wishes to speak upon it.

Mr. SIMMONS. If the Senator from Mississippi will pardon me, the Senator from Arkansas wishes section 3, on page 210, which relates to cotton contracts, passed over.

Mr. WILLIAMS. All right. We have not reached that.

Mr. CLARKE of Arkansas. In connection with the statement of the chairman of the committee, I will say that on Monday next I will submit some observations in support of that proposition.

The next amendment of the committee was, on page 207, after line 17, to insert:

O. That for the purpose of carrying into effect the provisions of Section II of this act, and to pay the expenses of assessing and collecting the income tax therein imposed, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending June 30, 1914, the sum of $1,200,000, and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to appoint and pay from this appropriation all necessary officers, agents, inspectors, deputy collectors, clerks, messengers, and janitors, and to rent such quarters, purchase such supplies, equipment, mechanical devices, and other articles as may be necessary for employment or use in the District of Columbia or any collection district in the United States, or any of the Territories thereof: *Provided*, That no agent paid from this appropriation will receive compensation at a rate higher than that now received by traveling agents on accounts in the Internal-Revenue Service, and no inspector shall receive a compensation higher than $5 a day and $3 additional in lieu of subsistence, and no deputy collector, clerk, messenger, or other employee shall be paid at a rate of compensation higher than the rate now being paid for the same or similar work in the Internal-Revenue Service.

Mr. WILLIAMS. I move to strike out the word "will," after the word "appropriation," in line 8, on page 208, and substitute the word "shall."

The amendment to the amendment was agreed to.

Mr. BORAH. In line 15, on page 208, after the word "Service," I submit the following amendment.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 208, at the end of line 15, after the word "Service," insert:

It shall be the duty of the Commissioner of Internal Revenue to report annually to Congress full statistics as to the results of the income tax, which statistics shall show:

(a) The amounts collected in each taxing district.
(b) The number of persons contributing to the tax.
(c) The amounts allowed for exemptions.
(d) A classification of the income-tax payers in each district according to occupation.
(e) A classification of the taxpayers in each district and in the country at large according to the amount of income assessed to each.
(f) A classification of sources of income so far as shown by the returns.
(g) A detailed statement of amounts and kinds of income collected at the source.
(h) A classification of the amounts claimed and allowed as deductions, and such other information as he may deem pertinent and necessary.

Such report shall be made and filed on or before the third Monday of November of each year, beginning with the year 1914.

Mr. BORAH. Mr. President, I do not desire to take up the time of the Senate in discussing this amendment, but it is apparent upon the face of the amendment what is the object to be attained. It is to gather data for our intelligent action with reference to formulating an income-tax law. It will enable

us also, if we desire, to take up the subject in the future of differentiating as to earned and unearned incomes, and so forth. At any rate it will give us that which we have not now and which the English people acquired only after a long investigation.

I submit the amendment for the consideration of the Senate.

Mr. WILLIAMS. Mr. President, the committee had this identical provision before it. It was suggested by somebody down in the department and we went through with it. It seemed to us that it was not necessary to provide for all this annual expense in the shape of a report that perhaps would not be read. The information will be there; it can be obtained at any time by a resolution of either House upon the request of a Senator or Representative if he wants any particular part of the information. These rolls are made public rolls for certain purposes.

After a full consideration of it we concluded that it was better to leave that out of the bill at this time. Of course the object of it is purely statistical. We have all sorts of statistical bureaus all around everywhere, and we did not see any use of establishing another one. The main result of it would be to establish a new bureau with a new man at the head of it—I started to say earning—receiving probably $5,000 a year.

Mr. BORAH. I do not ask for any appropriation nor the creation of any bureau nor the appointment of persons for any extra services, but there is enjoined upon the collector of internal revenue the duty of classification, which he can do if he is required to do it by a very little additional expenditure.

Mr. WILLIAMS. I understand that; but the Senator must understand that this great report, with all its classifications and complications, must be made every year upon a new computation of incomes, and there would have to be a bureau and a lot of clerks provided.

If there is any particular information concerning the income tax, as to how many people there are paying incomes, for example, between $20,000 and $50,000 or between $50,000 and $100,000, or how many people there are paying incomes accruing purely and altogether from personal service, or anything of that sort, it could be obtained without keeping this bureau in constant operation and all this immense expense and creating a new bureau.

Mr. SMITH of Arizona. The record will necessarily show the facts.

Mr. WILLIAMS. The record will necessarily show the fact, and anybody having access to the record can ascertain the fact.

Mr. BORAH. The record will not show the fact at all.

Mr. WILLIAMS. Wait a minute. This morning, even, a couple of amendments were put upon the bill which gives access now for statistical purposes to the officers of the United States Government, giving the officers of the States upon the request of the governor access so that they could prepare statistical returns from the material in the office of the Commissioner of Internal Revenue attained in the process of administering this law.

Mr. BORAH. Mr. President, I will not urge any information upon the majority side that they do not desire.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Idaho [Mr. BORAH].

The amendment was rejected.

Mr. BORAH. Now, I want a yea-and-nay vote on the amendment following.

Mr. SMOOT. That is a part of the committee amendment, but it has not yet been read.

The VICE PRESIDENT. It is a part of the original amendment.

Mr. BORAH. I refer to that portion of the amendment beginning on line 16 on page 208 and ending with the word "appointment," in line 12 on page 209.

The Secretary read the remainder of the amendment of the committee, as follows:

For the administration, in the Internal Revenue Bureau at Washington, D. C., of this act in the collection of the tax aforesaid there shall be appointed one additional deputy commissioner, at a salary of $4,000 per annum; two heads of divisions, whose compensation shall not exceed $2,500 per annum; and such other clerks, messengers, and employees, and to rent such quarters and to purchase such supplies as may be necessary: *Provided*, That for a period of two years from and after the passage of this act the force of agents, deputy collectors, and inspectors authorized by this section of this act shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January 16, 1883, and amendments thereto, and with such compensation as the Commissioner of Internal Revenue may fix, with the approval of the Secretary of the Treasury, within the limitations herein prescribed: *Provided further*, That no person now in the classified service who shall be appointed an agent, deputy collector, or inspector shall lose his civil-service status because of such appointment.

Mr. LODGE. I move to strike out from the amendment just read the first proviso. That proviso, of course, is a perfectly unvarnished attempt to take all these offices out of the classified service and make them the subject of political appointment and personal favoritism. The registers of the civil service contain an ample number of persons competent to fill the places mentioned here. They are people, both men and women, who have taken the examinations in good faith, believing that when the services of clerks were needed they would have their opportunity. It is a much quicker and better way, and you get a better class of clerks.

Mr. ROOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Oliver	Smith, Ga.
Bacon	Hollis	Owen	Smith, Md.
Bankhead	Hughes	Page	Smith, S. C.
Borah	James	Perkins	Smoot
Brady	Johnson	Pittman	Sterling
Brandegee	Jones	Poindexter	Sutherland
Bristow	Kenyon	Pomerene	Swanson
Bryan	Kern	Ransdell	Thomas
Catron	La Follette	Robinson	Thompson
Chamberlain	Lane	Root	Tillman
Chilton	Lodge	Saulsbury	Townsend
Clark, Wyo.	McCumber	Shafroth	Vardaman
Colt	McLean	Sheppard	Warren
Crawford	Martin, Va.	Sherman	Weeks
Cummins	Martine, N. J.	Shively	Williams
Dillingham	Myers	Simmons	Works
Gallinger	Norris	Smith, Ariz.	

The VICE PRESIDENT. Sixty-seven Senators have answered the roll call. There is a quorum present.

Mr. LODGE. Mr. President, I will repeat what I said. This proviso which I move to strike out arranges for the giving of these additional offices, made necessary by the addition to the work of the Internal-Revenue Bureau, over to political and personal favoritism, and sets aside the act of 1883 under which the civil service was first classified.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from North Carolina?

Mr. LODGE. Certainly.

Mr. SIMMONS. I think the Senator from Massachusetts made his statement a little too broad when he said that the proviso provides that all the officers authorized to be appointed for the enforcement of this section of the bill shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. If the Senator will examine the language he will see that applies only to agents, deputy collectors, and inspectors.

Mr. LODGE. I am aware of that. I should have said the more important offices.

Mr. SIMMONS. His statement was very broad.

Mr. LODGE. Many of them are agents, inspectors, and deputy collectors. I suppose under the wording of the section that only those mentioned in the proviso are thrown out of the service.

Mr. SIMMONS. I think that is true.

Mr. LODGE. I do not question that.

Mr. SIMMONS. I want to state to the Senator——

Mr. LODGE. If I said all the officers, without exception, of course my statement was too broad.

Mr. SIMMONS. I want to state to the Senator that I think he will find in that respect this provision is an exact copy, or very nearly an exact copy, of the provision for the appointment of officers under the denatured-alcohol act, which was passed by the minority party only a few years ago when they were in the majority. As in that act so in this act, the authority of the Secretary of the Treasury to appoint is limited to two years.

Mr. LODGE. Mr. President, that may be the case; but I do not think that two wrongs make a right. These positions can all be filled perfectly well from the civil-service registers.

Mr. SMITH of Georgia. I should like to ask the Senator from Massachusetts if it is not true that there is a special examination required for each State, and is it not further true that in many of the States the registers are not now filled and that the new collectors do not find men upon them eligible for appointment as deputies?

Mr. LODGE. Mr. President, there are plenty of names on the registers to fill such places as these—an abundance of them.

Mr. SMITH of Georgia. I will state to the Senator that in my own State the collector had to get authority to appoint temporary deputies because there were only six on the list of eligibles in the State, and four of them had other positions and

did not want the small salary of about $1,200 that a deputy received.

Mr. LODGE. They can be sent from here perfectly well. There is no difficulty in filling the places; none whatever.

Mr. SIMMONS. I think, as a matter of fact, if the Senator will pardon me, that not only in the State of Georgia but in a great many other States, if not in all of the States, they are now holding examinations for applicants for positions in the Internal-Revenue Service. I know they have held examinations during this month and also in July in my State.

Mr. BRISTOW. Mr. President, I want to call the attention of the Senator from Massachusetts [Mr. LODGE] to the wording of the provision here; doubtless he has noticed it, but I want to read it. It is as follows:

That for a period of two years from and after the passage of this act the force of agents, deputy collectors, and inspectors authorized by this section of this act shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January 16, 1883, and amendments thereto.

It is not left discretionary with the President or with the Secretary of the Treasury as to whether they may take these employees from the civil-service rolls, but it forbids them doing so.

Mr. LODGE. I was about to call attention to that point, but I am very glad the Senator from Kansas has done so. This makes it impossible for two years to put anyone into the service from any eligible list now or hereafter to be made.

Mr. President, at the time of the Spanish-American War, on the ground of immediate emergency, a large additional force of clerks was authorized without requiring a civil-service examination. It took longer to fill the places in that way than it would have done if the heads of departments had gone to the register; but emergency was made the ground of the change. As a result they got, as was the testimony of all the departments, an inferior class of clerks.

Of course, Mr. President, the object is simply to make political a certain number of positions commanding a fair salary. There is no other purpose in it. I think it a bad thing to break down the civil-service act in that way; but I do not want to take the time to argue here what has been argued again and again—the general question of the civil service. I think, however, this is a thoroughly bad provision. I move to strike it out; and on that motion I ask for the yeas and nays.

I also ask leave, Mr. President, to insert in the RECORD some brief letters from chambers of commerce in Massachusetts and in Ohio and from the civil-service reform associations—the National association and State associations—of Massachusetts, Illinois, and other States. All the statements are brief, and I should like to have them printed with my remarks.

The VICE PRESIDENT. Without objection, permission to do so is granted.

The papers referred to are as follows:

WORCESTER, MASS., *August 18, 1913.*

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SIR: At the last meeting of the executive committee of the Worcester Chamber of Commerce it was voted that the Worcester Chamber of Commerce go on record as opposing that provision of the Simmons-Underwood tariff bill as reported by the Senate Committee on Finance, which provides for the employment of agents, inspectors, deputy collectors, etc., required to enforce the income-tax law without requiring said officials to comply with the provision of the civil-service law.

The Worcester Chamber of Commerce is of the opinion that all the officials used by the Federal Government in the enforcement of this law should be certified by the Civil Service Commission exactly the same as all other officials are, this organization being informed that said Civil Service Commission has upon its registers a full complement of eligibles from whom selection can be made for these positions.

Any attempt to discriminate in favor of these employees is directly contrary to the spirit of the civil-service laws and is calculated to pave the way to further inroads upon a system which is now in general and satisfactory operation in this country. There appears to this organization to be no reason for making exception in this instance and in behalf of the Worcester Chamber of Commerce we desire to respectfully protest against any such exceptions being made.

For the WORCESTER CHAMBER OF COMMERCE,
By HERBERT N. DAVISON, *Secretary.*

—

FALL RIVER CHAMBER OF COMMERCE,
Fall River, Mass., August 9, 1913.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SIR: I am inclosing herewith a copy of a protest sent by vote of the Fall River Chamber of Commerce to the Hon. FURNIFOLD MCL. SIMMONS, chairman of the Senate Committee on Finance, and relating to the provision of the Simmons-Underwood bill, by which a large force of agents, inspectors, and deputy collectors are to be employed without complying with the provisions of the civil-service law.

May we ask your efforts in preventing the passage of this provision?

Very truly, yours,

WILLIAM A. HART, *Secretary.*

FALL RIVER, MASS., *August 9, 1913.*

Hon. FURNIFOLD MCL. SIMMONS,
Chairman Senate Committee on Finance, Washington, D. C.

DEAR SIR: The Fall River Chamber of Commerce, by vote of its directors, desires to enter its protest against the provisions in amendment O of the Simmons-Underwood tariff bill, H. R. 3321, allowing for the employment of a period of two years of agents, inspectors, deputy collectors, etc., without complying with the provisions of the civil-service law. We believe that this arrangement is a serious step backward from the merit system now satisfactorily established in this country, and at the same time contrary to the protestations of the platforms of all three of the great parties in the recent national election. It is our belief that all appointments provided for in the bill should be made under the civil-service law, and we trust that this provision will not prevail.

Very truly, yours,

THE FALL RIVER CHAMBER OF COMMERCE,
WILLIAM A. HART, *Secretary.*

—

CLEVELAND CHAMBER OF COMMERCE,
Cleveland, August 18, 1913.

Hon. HENRY CABOT LODGE,
Committee on Finance, United States Senate,
Washington, D. C.

DEAR SIR: On behalf of the Cleveland Chamber of Commerce I urge upon your attention the undesirability of those portions of amendment O (pp. 207–209) of the Simmons-Underwood tariff bill, as reported by the Senate Committee on Finance, providing for the employment for a period of two years of a considerable number of agents, deputy collectors, and other employees without compliance with the provisions of the civil-service law.

As we understand this provision, it is a step backward in the efficient operation of the Government service, in addition to the immediate effect of placing the actual duties to be performed, duties of the greatest significance and importance, in the hands of political employees. We agree with the National Civil Service Reform League in believing that inefficiency and friction in the administration of law would be the inevitable result.

If we are correctly informed, the Civil Service Commission has upon its register a full complement of eligibles from whom selection could be made for these positions. It seems to us that the regulation is in violation of the spirit of the Democratic, Progressive, and Republican Party platforms.

Very respectfully, yours, W. S. HAYDEN, *President.*

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THE WOMEN'S AUXILIARY OF THE
MASSACHUSETTS CIVIL SERVICE REFORM ASSOCIATION,
Boston, August 1, 1913.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SENATOR LODGE: On behalf of the 1,100 members of the Women's Auxiliary of the Massachusetts Civil Service Reform Association I desire to express our earnest hope that you will use your utmost influence to secure the striking out of the clause under amendment O in the Simmons-Underwood tariff bill which permits the appointment of a large force of agents, inspectors, collectors, etc., outside the civil-service law.

To exempt these positions from the supervision of the Civil Service Commission will make possible appointments for political or personal motives instead of on the basis of merit, and thus will seriously handicap the work of enforcing the income-tax act. Such a backward step is especially to be deplored at a time when public sentiment so strongly favors economy and efficiency for the Nation.

Yours, respectfully,

MARIAN C. NICHOLS, *Secretary.*

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SPOILS RAID IN THE TARIFF BILL.

[Memorandum of the National Civil Service Reform League in opposition to paragraph O of section 2 of the tariff bill (H. R. 3321).]

NATIONAL CIVIL SERVICE REFORM LEAGUE,
New York, July 24, 1913.

To the Members of the Senate and the House of Representatives:

The tariff bill (H. R. 3321) as introduced in the Senate provides for the employment for the period of two years of a large force of agents, inspectors, deputy collectors, etc., without complying with the provisions of the civil-service law. This provision is found in amendment O (pp. 207–209) appropriating $1,200,000 for salaries and supplies required to enforce the income-tax law. The provision referred to in full is as follows:

"*Provided*, That for a period of two years from and after the passage of this act the force of agents, deputy collectors, and inspectors authorized by this section of this act shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and without compliance with the conditions prescribed by the act entitled 'An act to regulate and improve the civil service,' approved January 16, 1883, and amendments thereto, and with such compensation as the Commissioner of Internal Revenue may fix, with the approval of the Secretary of the Treasury, within the limitations herein prescribed: *Provided further*, That no person now in the classified service who shall be appointed an agent, deputy collector, or inspector shall lose his civil-service status because of such appointment."

We can find nowhere in the report of the Committee on Finance, as printed in the CONGRESSIONAL RECORD, any reasons stated why this large force should be recruited outside the civil-service law. The only excuse for such a provision would be inability on the part of the Civil Service Commission to supply an adequate force within a reasonable time, but we are informed by the commission that it has upon its registers a full complement of eligibles from whom selection could be made for these positions. In view of the lack of any necessity for going outside the eligible lists to make these appointments this provision in the bill is a gross injustice to those who have taken the examinations and qualified for positions in accordance with the law and custom.

The number of clerks whose appointments are thus thrown open to political influences will run into the hundreds. Congress could continue their appointment by further legislation at the end of the two-year period and Senators and Representatives would be importuned by the force so appointed to grant an extension of employment or transfer to the classified service. There is no precedent for such a widespread exception since the days of the Spanish War other than the unnecessary

and ill-advised provision in the sundry civil appropriation bill of last year allowing temporary appointments in the Pension Office for a period of one year. At the time of the Spanish War emergency and in the face of full lists of eligibles a large force was appointed without regard to the civil-service rules. Before the lapse of any considerable time it was shown that this force was distinctly inferior in capacity to the regular civil-service employees, yet by subsequent legislation they were covered into the classified service.

This proposed legislation is an attempt to secure patronage at the expense of the merit system and is contrary to the civil-service planks in the platforms of the three great parties. The plank in the Democratic platform favored the enforcement of the civil-service law to the end that "merit and ability should be the standard of appointment and promotion rather than service rendered to a political party." The Progressive Party went on record as in favor of "the enforcement of the civil-service law in letter and spirit," while the Republican Party "stands committed to the maintenance, extension, and enforcement of the civil-service law."

We therefore ask your assistance in preventing any such spoils raid as is proposed in the tariff bill and in upholding by your vote the principles of your party that the subordinate civil service should be absolutely withdrawn from politics. We sincerely hope that you will refuse to record your vote in favor of this particular provision of the tariff bill.

Very respectfully, yours,

ROBERT D. JENKS,
Chairman of the Council.
GEORGE T. KEYES,
Assistant Secretary.

—

NATIONAL CIVIL SERVICE REFORM LEAGUE,
New York, July 26, 1913.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

MY DEAR SIR: Permit me to acknowledge receipt of your letter of the 25th instant addressed to Mr. Jenks as chairman of the council. We are very glad to learn that you are opposed to the provision in the tariff bill excepting from competition the large force of inspectors, deputy collectors, etc., required to enforce the income-tax act. In case you feel willing to speak against this proposal on the floor of the Senate, I take the liberty of presenting further arguments on this matter. As stated in our circular of recent date, the registers of the Civil Service Commission contain sufficient eligibles who can be immediately certified for appointment. The experience of the Civil Service Commission shows that little inconvenience is occasioned to the departments in supplying large numbers of employees. It is a misconception that it requires red tape and delay to set the machinery of the commission in motion. Hundreds of appointments can be made from the registers in a few hours, and it only remains to send printed letters of appointment to the persons chosen. For example, when the Record and Pension Office was created 140 persons were appointed in one day.

The civil-service rules also make ample provision for the transfer of trained employees from other parts of the service. In the organization of the Department of Commerce and Labor exceptions were found to be unnecessary, as that department was able to secure employees with the necessary qualifications by transfer.

The rules further allow unusual latitude in the organization of a new department. Legislation is unnecessary, as the President may make such exception from examination as he may deem wise. The proposal to exempt positions by law is opposed to the declared policy of the Senate Committee on Civil Service Retrenchment. In a report of March 9, 1898, this committee agreed that the "Executive has the power to make such modifications, i. e., exempting positions from the operation of the civil-service rules, as may be found advisable, therefore no legislation is needed."

The officers of the league will be grateful to you for any action that you may take to secure the elimination of the Senate amendment.

Respectfully, yours,

GEORGE T. KEYES,
Assistant Secretary.

—

CIVIL SERVICE REFORM ASSOCIATION OF CHICAGO,
Chicago, July 25, 1913.

Hon. HENRY CABOT LODGE,
Member of Finance Committee, United States Senate,
Washington, D. C.

DEAR SIR: We beg to direct your attention to the inclosed protest against amendment O to the tariff bill (H. R. 3321).

We urge you to use every proper influence to defeat this attack on civil-service principles.

Respectfully, yours,

R. E. BLACKWOOD,
Secretary.

—

CIVIL SERVICE REFORM ASSOCIATION OF CHICAGO,
Chicago, July 25, 1913.

To the Hon. F. McL. SIMMONS,
Chairman, and the members of the Finance Committee
of the United States Senate:

The Illinois and Chicago Civil Service Reform Associations in joint session vigorously protest against provisions in amendment O to the tariff bill (H. R. 3321, pp. 207–209) for the employment for a period of two years of a large force of agents, inspectors, deputy collectors, etc., without complying with the provisions of the civil-service law, because—

It is in direct violation of the spirit of the civil-service law.

Hundreds of persons would be employed upon a spoils basis.

The Civil Service Commission stands ready to certify persons to be employed in enforcing the income-tax law.

To fill the positions by other than persons whose names appear on the eligible lists would be an injustice to those who have qualified by tests for such work.

Experience has shown that employees obtained in this manner are inferior in efficiency to those obtained through the operation of civil service.

We protest against spoils and urge that this amendment be defeated in the interests of merit and efficiency.

Respectfully,

WILLIAM B. HALE,
Chairman of Joint Meeting.
R. E. BLACKWOOD,
Secretary.

GENERAL FEDERATION OF WOMEN'S CLUBS,
July 26, 1913.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SIR: The civil service reform committee of the General Federation of Women's Clubs, an organization representing a million women, respectfully urges that you use your vote and influence to defeat that provision of amendment O of the Simmons-Underwood tariff bill which would permit the appointment of agents, inspectors, deputy collectors, etc., without civil-service examinations.

The General Federation of Women's Clubs believes that efficiency and economy in government can be obtained only through the enforcement of the civil-service law.

Yours, respectfully,

IMOGEN B. OAKLEY,
Chairman.

—

WATERTOWN, MASS., *July 29, 1913.*

To the Hon. HENRY CABOT LODGE,
Senate Chamber, Washington, D. C.

SIR: The Massachusetts State Federation of Women's Clubs takes this opportunity to appeal to you to use your influence against the passage of amendment O of the Simmons-Underwood tariff bill (H. R. 3321). The proposed legislation is not only contrary to the interests of the public service but is diametrically opposed to the civil-service planks in the platforms of the three great political parties.

May we depend upon you to do all in your power to prevent the passage of this measure?

Yours, truly,

MABEL ROGERS TABOR,
Chairman Civil Service Reform Department.

—

NEWTON, MASS., *August 4, 1913.*

Hon. HENRY CABOT LODGE,
Senate, Washington, D. C.

DEAR SIR: The Simmons-Underwood tariff bill (H. R. 3321), as reported to the Senate, provides for the employment for a period of two years of a large force of agents, inspectors, deputy collectors, etc., who are to be appointed without civil-service examinations. This provision is under amendment O, appropriating $1,200,000 for salaries and supplies required to enforce the income-tax act.

On behalf of the Newton Branch of the Women's Auxiliary of the Civil Service Association, I take the liberty of writing you to urge you to use your influence against, and if necessary to vote against, this measure so diametrically opposed to the spirit of civil service reform.

I thank you for the interest I am sure you will take in a matter so vital to the improvement of the public service, and remain, dear sir,

Very respectfully, yours,

MARION A. (MRS. CHARLES H.) BUCK,
Chairman of the Newton Branch.

—

MANCHESTER, MASS., *July 30, 1913.*

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SENATOR LODGE: May I call your attention to the provision in the House of Representatives bill 3321 (the Simmons-Underwood tariff bill) for the employment for a period of two years of a large force of agents, inspectors, deputy collectors, etc., without complying with the provisions of the civil-service law?

Of course, I know you would not approve of this in general, but may I bring to your notice the fact that during the War with Spain the War Department was given the power to make appointments outside the civil-service law, under the plea of emergency, and that, as a matter of fact, it took longer to make these appointments than it would have taken under the civil-service rules, as the commission had then, as it also has now, a large number of eligibles fitted for these positions? Furthermore, it was later found out and reported by the War Department itself that the appointees made in this way were inferior on the average to those that had been sent in by the Civil Service Commission, and that a large proportion of these patronage appointments proved so undesirable that fully 50 per cent had to be changed.

With kind regards, believe me,

Sincerely, yours,

RICHARD HENRY DANA.

Mr. ROOT. Mr. President, I do not think the question raised by the amendment the Senator from Massachusetts [Mr. LODGE] proposes can be disposed of by any reference to so trifling a matter as providing for the statute regarding denatured alcohol. We are now entering upon a new system of Government finance, a new system of raising the revenues for the support of the Government of the United States. It is a vast undertaking; it will involve the cooperation of an enormous number of Government employees; and the question raised is whether in this new departure, in the adoption of this new system of Government finance, we are to repudiate the existing civil-service system. Are the revenues of the Government of the United States hereafter to be raised and administered without reference to the hitherto established policy of the United States in regard to civil-service appointments? No reason has been given or can be given for inaugurating this new system with a return to the old method of making appointments without reference to merit, without selection upon examination, which will not continue to apply to the continuance of the system.

Mr. President, we have had here an exhibition not equaled in recent years of legislation through the method of party government. It is not my purpose to criticize the method adopted by the Democratic Party in securing the full force of its party membership in the Senate by means of caucus action; but, sir, the exercise of the power of party government involves party responsibility, and I beg my friends upon the other side of the Chamber to realize that their action upon the method of constituting this new force for collecting the revenues of our Gov-

ernment will be the test—they can not avoid its being made the test—of the sincerity of the Democratic Party in its professions of adherence to the principles of civil-service reform. If they reject this amendment and insist upon the method they propose here of constituting this new force, they must be held to be insincere if the professions they have made and to have abandoned the merit system in American politics.

Mr. STERLING. Mr. President, assuming that the effect of striking out the committee provision would leave these appointments to be made under the civil-service law and rules, I take occasion now to submit a few remarks, although I had myself prepared and introduced an affirmative amendment requiring the appointments to be made in accordance with the civil-service law.

It was my privilege, Mr. President, a few weeks ago to present to the Senate and to have printed in the RECORD the protest of the National Civil Service Reform League against the last paragraph of section O of the committee amendment to the income-tax portion of the bill. The Civil-Service Reform League in its protest states what must be obvious to every Senator here, namely, that nowhere in the report of the Committee on Finance is any reason stated why this large force of deputy collectors, inspectors, and agents should be recruited outside the civil-service law; that the only excuse for disregard of the civil-service law would be the inability on the part of the Civil Service Commission to supply an adequate force within a reasonable time; that instead of this being the situation it is the contention of the league that the Civil Service Commission has now on its registers a full complement of eligibles from whom selection could be made for these positions.

Mr. SMITH of Georgia. I ask the Senator from South Dakota what authority he has for that statement? Are the Civil Service Commission not limited in the appointments?

Mr. STERLING. If the Senator from Georgia will indulge me, I will produce——

Mr. SMITH of Georgia. Are they not limited in the appointments to the States in which the examination is taken and to the districts in which the examination was had?

Mr. LODGE and others. No.

Mr. STERLING. I think not.

Mr. SMITH of Georgia. They are.

Mr. LODGE. They can be sent from Washington.

Mr. SMITH of Georgia. On the contrary, I was advised by the Civil Service Commission that they are limited to men from the States and to the registers from the States.

Mr. LODGE. I think if they will open the examinations in the State of Georgia there will be plenty of excellent young men and women who will take those examinations and fill any vacancies before this bill goes into operation.

Mr. SMITH of Georgia. I do not think that a young man just out of high school is fit for one of these places.

Mr. LODGE. That is the old argument.

Mr. SMITH of Georgia. I will later impress it a little further.

Mr. STERLING. It is further shown, in view of the fact that we have the services of this commission, that it will be a gross injustice to go outside the eligible lists and appoint persons to these places who have never taken any examination or qualified themselves for the positions in accordance with law and custom; that the number of clerks whose appointments are thus thrown open to political influences will run into the hundreds; that Congress could continue their appointment by further legislation at the end of the two-year period; and that Congress would be importuned at the end of that period to grant an extension of employment or to cover all the appointments made thereunder into the classified service. I think we have already some examples of that. It is further contended that the proposed legislation is an attempt to secure patronage at the expense of the merit system, and that it is contrary to the civil-service planks of the platforms of the three great parties, and, I might say, notably of the Democratic Party during the last several campaigns.

The communication from the league is otherwise vigorous in its protest against this disregard of the law and the evident will of the people, as that will has been truly expressed, I think, in the several party platforms.

Some of the most distinguished citizens of our country are numbered among the officials of this great reform league. Their names appear on the face of the communication which I presented on July 25. They are the names of men distinguished for their great services in the cause of education, in the cause of literature, in the cause of jurisprudence, and in the cause of good government.

I am now, and have always been, in full sympathy with the purpose sought to be accomplished by the Civil Service Reform League and with the protest against this, as it appears to me, flagrant and needless violation of the principles of civil-service reform. So it was that on the day after presenting this communication I submitted the amendment to which I have referred, and which I think is rendered needless perhaps by the amendment offered by the Senator from Massachusetts [Mr. LODGE].

First, as to the necessity of the amendment proposed by the committee. My remarks, Mr. President, are largely for the purpose of submitting a record on which this vote may be taken.

The evidence at hand shows there is absolutely no necessity for this proposed method—this return to the spoils system. It will not be even a matter of convenience, let alone necessity, for the appointment of these hundreds of employees to be made in the manner proposed by the committee instead of according to civil-service rules. The "convenience," as I shall show conclusively, is all in favor of recourse to the law instead of the proposed provision here, which, for the purpose of these appointments, abrogates the law.

Here is our Civil Service Commission; the examinations have been had under it; men have answered to the test of ability and merit required; their names are now on the list of eligibles for the performance of these duties in the investigation of incomes and the collection of the income tax. If in the face of these facts the majority of this Senate are in favor of sustaining this committee amendment, it will be obvious that the purpose is purely political and partisan. The majority might well take warning, too, that the country will take note that such is the purpose.

But, adverting to the proofs, I send to the desk to be read by the Secretary a letter received from Hon. John A. McIlhenny, president of the Civil Service Commission, of date August 5, showing what the commission will be able to do in supplying these various positions.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., August 5, 1913.

Hon. THOMAS STERLING,
United States Senate.

SENATOR: At the request of Mr. George T. Keyes, assistant secretary of the National Civil Service Reform League, the commission has the honor to advise you that there are ordinarily a sufficient number of eligibles at all times on first-grade registers of the commission available for certification for filling classified positions in the Internal-Revenue Service, such as deputy collectors, clerks, etc. Mr. Keyes calls attention to the provision in the tariff bill for the employment, for a period of two years, of a large force of deputy collectors, agents, and clerks to administer the income tax without complying with the provisions of the civil-service law, and to the amendment introduced by you eliminating this provision and providing that this large force of men shall be appointed in accordance with the provisions of the civil-service law.

Information was recently furnished the Treasury Department, showing the number of eligibles which would result from the annual first-grade examinations held throughout the United States in February, 1913. For many of the internal-revenue districts it was believed by the department that the register contained a sufficient number of eligibles to meet the needs of the service. In certain of the districts, however, the department advised that it was believed that additional examinations would be necessary. For this reason examinations were announced to be held throughout many of the internal-revenue districts of the United States on August 16, 1913 (in the internal-revenue district of Arkansas on Sept. 20, 1913). A list of these places is inclosed herewith, and it is trusted that this information will supply you with the facts desired.

Should the positions referred to in connection with the income-tax law be filled in accordance with the civil-service law, it would be possible to fill them not only from the registers referred to but also by transfer of competitive classified employees in the Internal-Revenue Service or other branches of the Federal service.

A copy of this letter will be sent to Mr. Keyes for his information.

By direction of the commission:

Very respectfully, JOHN A. MCILHENNY, *President.*

Mr. STERLING. Mr. President, I have here a list of the examinations held in various internal-revenue districts in several States of the country on the 16th of the present month. Mention is made of one State where an examination will be held on the 20th of September next. The list is entitled and gives notice as follows:

Places at which the first-grade or clerical examination for the Internal-Revenue and other field services will be held on August 16, 1913.

Prospective applicants may secure application forms and pamphlets of instructions from the local board of civil-service examiners at the place at which examination is to be held.

Date of closing receipt of applications, August 11, 1913.

Without reading further, I ask that the list may be printed in connection with my remarks.

Mr. SMITH of Georgia. Is that a list of questions propounded at the examination itself?

Mr. STERLING. No; a list of places where the examinations are to be held in the several internal-revenue districts of 18 States.

Mr. SMITH of Georgia. Very well.

The VICE PRESIDENT. Is there objection to printing in the RECORD the matter referred to by the Senator from South Dakota? The Chair hears none.

The matter referred to is as follows:

The internal-revenue district of Alabama: Birmingham, Ala.; Greenville, Miss.; Gulfport, Miss.; Hattiesburg, Miss.; Jackson, Miss.; Meridian, Miss.; Mobile, Ala.; Montgomery, Ala.; and Vicksburg, Miss.

The internal-revenue district of Arkansas (Sept. 20, 1913): Fort Smith, Harrison, Little Rock, Pine Bluff, and Texarkana.

The internal-revenue district of Connecticut: Bridgeport, Conn.; Hartford, Conn.; New Haven, Conn.; New London, Conn.; Newport, R. I.; Providence, R. I.; Stamford, Conn.; Waterbury, Conn.; and Willimantic, Conn.

The internal-revenue district of Florida: Cedar Keys, Gainesville, Jacksonville, Key West, Miami, Pensacola, Tallahassee, and Tampa.

The internal-revenue district of Georgia: Atlanta, Augusta, Columbus, Macon, and Savannah.

Fifth internal-revenue district of Illinois: Galesburg, Peoria, and Rock Island.

Eighth internal-revenue district of Illinois: Bloomington, Danville, Decatur, Quincy, and Springfield.

Thirteenth internal-revenue district of Illinois: Cairo, Carbondale, East St. Louis.

Seventh internal-revenue district of Indiana: Evansville La Fayette, New Albany, Terre Haute, Vincennes.

Third internal-revenue district of Iowa: Ames, Cedar Rapids, Denison, Dubuque, Fort Dodge, Mason City, Sioux City, Spencer, Waterloo.

Fourth internal-revenue district of Iowa: Burlington, Council Bluffs, Creston, Davenport, Des Moines, Iowa City, Ottumwa.

Second internal-revenue district of Kentucky: Bowling Green, Hopkinsville, Owensboro, Paducah.

Sixth internal-revenue district of Kentucky: Covington.

Seventh internal-revenue district of Kentucky: Ashland, Frankfort, Lexington, Maysville.

Eighth internal-revenue district of Kentucky: Danville, Middlesboro, Richmond.

The internal-revenue district of Louisiana: Alexandria, New Orleans, Shreveport.

Fourth internal-revenue district of Michigan: Escanaba, Grand Haven, Grand Rapids, Houghton, Kalamazoo, Manistee, Marquette, Muskegon, Sault Ste. Marie, Traverse City.

The internal-revenue district of Montana: Billings, Mont.; Boise, Idaho; Bozeman, Mont.; Butte, Mont.; Coeur d'Alene, Idaho; Great Falls, Mont.; Helena, Mont.; Idaho Falls, Idaho; Kalispell, Mont.; Lewiston, Idaho; Lewistown, Mont.; Livingston, Mont.; Logan, Utah; Miles City, Mont.; Missoula, Mont.; Moscow, Idaho; Ogden, Utah; Pocatello, Idaho; Provo, Utah; Salt Lake City, Utah; Sandpoint, Idaho; Wallace, Idaho.

Fifth internal-revenue district of New Jersey: Newark, Perth Amboy.

Fourteenth internal-revenue district of New York: Albany, Newburgh, Plattsburg, Troy.

Fourth internal-revenue district of North Carolina: Beaufort, S. C.; Charleston, S. C.; Columbia, S. C.; Durham, N. C.; Elizabeth City, N. C.; Georgetown, S. C.; Greensboro, N. C.; Greenville, S. C.; Newbern, N. C.; Raleigh, N. C.; Wilmington, N. C.

Fifth internal-revenue district of North Carolina: Asheville, Charlotte, Statesville, Winston-Salem.

Tenth internal-revenue district of Ohio: Lima, Sandusky, Toledo.

The internal-revenue district of Tennessee: Bristol, Chattanooga, Knoxville, Memphis, Nashville.

Second internal-revenue district of Virginia: Fredericksburg, Newport News, Norfolk, Petersburg, Richmond.

Sixth internal-revenue district of Virginia: Abingdon, Alexandria, Charlottesville, Danville, Lynchburg, Roanoke, Staunton, Winchester.

The internal-revenue district of West Virginia: Bluefield, Charleston, Clarksburg, Huntington, Martinsburg, Parkersburg, Wheeling.

First internal-revenue district of Wisconsin: Appleton, Fond du Lac, Green Bay, Kenosha, Milwaukee, Oshkosh, Racine, Sheboygan.

Second internal-revenue district of Wisconsin: Beloit, Eau Claire, Janesville, La Crosse, Madison, Stevens Point, Superior, Wausau.

Mr. GALLINGER. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. STERLING. Certainly.

Mr. GALLINGER. Mr. President, what I have most complained of heretofore in connection with the civil service has been that hundreds and thousands of young men and women are summoned from their homes to take civil-service examinations, and, after passing and going on the eligible list, they never receive an appointment. It costs five or ten or fifteen or twenty dollars, perhaps, for each one, and they are flattered with the information that they have passed the examination. They remain on the list for one year without an appointment; then they are dropped from the list, and if they want to get on it again, they are compelled to take another examination.

It seems possible that, anticipating this legislation, examinations have been held in the collection districts, and doubtless a large number of young men and young women have passed the examinations and are waiting for certification; and now it is calmly proposed to ignore this fact and make these appointments without reference to the civil-service law.

Mr. President, I think it is a violent thing to do. While I have not been a great admirer of the civil service as it has been administered in this country, in this particular instance it seems to me that it would be an injustice to the young men and the young women who have taken the examinations, and that it would be unpardonable on our part unless we rebuked it with our votes.

Mr. STERLING. Mr. President, I quite agree with the Senator; and in connection with what he has said as to the number of applicants for these places or of persons taking the examination, I will say that on inquiry made of the Civil Service Commission this morning I found that, while they have not obtained returns from the examinations held on the 16th of August, the estimate was that between 3,000 and 3,500 persons had taken the examinations.

Mr. President, the Civil Service Commission has communicated with the chairman of the Committee on Finance of the Senate in regard to this very situation, and he, the president of the commission, has kindly furnished me with a copy of the letter, without my having requested it. I desire to take the liberty of reading some extracts from that letter. The commission say to the Finance Committee:

The commission is not informed of the reasons for these exceptions from the requirements of the civil-service act. If it is necessary in the organization of a new service that latitude be allowed in the selection of employees, the President has authority to make exceptions from examination. It has been found wise that this authority be exercised by the President, since he may adapt it to the varying exigencies of the service and avoid extensive and unnecessary exceptions, which in the past have resulted in the appointment of persons of inferior ability, causing the work to be unnecessarily prolonged and its cost increased. The ability of the majority of persons appointed on the basis of political favor is far below the average of persons appointed to like positions by promotion, transfer, or through competitive examinations, and if additional employees for this service may be appointed as needed by the established methods, with such modification as the President may make, better service will be secured and efficiency and economy promoted.

In the case of the Spanish War emergency employees, of 1,242 persons appointed without reference to the provisions of the civil-service law nearly one-half had to be dropped as useless, and not because of failure of appropriation or reduction in force, while those remaining were as a class distinctly inferior to those selected from competitive examination. The exception of the Spanish War emergency employees was made for the ostensible reason that the commission was not prepared to meet such an emergency.

Just as has been intimated on the other side, the commission may not be prepared to meet an alleged emergency existing on the passage of this bill.

The commission said there was no need to depart from civil-service rules even then, great as that emergency was.

The letter continues:

The commission in its seventeenth report said:

"Never in the history of the commission were there so many names upon the eligible registers for all characters of positions necessary to carry on the increased work incident to the War with Spain as at that time; and, moreover, the commission had demonstrated its ability in times past to meet such emergencies.

Further, they say:

When positions are left to be filled without examination, the appointing officers are rarely left free to choose the best men.

The Internal Revenue Commissioner will be met with just that situation and just that condition, and if there are any subordinates under him who have recommending power or appointing power they will be confronted with that situation.

It has been the constant testimony of appointing officers that they are forced by political considerations to appoint to these excepted places men who are incompetent and who would never be appointed were they left untrammeled in the exercise of their own judgment.

Mr. President, if I was ever led to doubt the efficiency of our Civil Service Commission or to question the practicability of civil-service reform, that doubt has been dissipated by the contents of this letter from the president of the Civil Service Commission to the chairman of the Committee on Finance. I see that the commission is accomplishing great good, that its ideals and purposes are high, that it warns against a disregard of the law, that it anticipates the needs of the service, and does all it can in the way of improving the Government service.

Further, the president of the commission says:

If positions are required to be filled under the civil-service rules, appointing officers are freed from importunate solicitation and coercive influence from outside the service. That the committee which submitted the bill which later became the civil-service act intended to except very few nonpolitical places from its operation will be seen from the following extract from the committee's report:

"But the subordinates in the executive departments, whose duty is the same under every administration, should be selected with sole reference to their character and their capacity for doing the public work. This latter class includes nearly all the vast number of appointed officials who carry into effect the orders of the Executive or heads of departments, whether in Washington or elsewhere."

Not stopping to read all of this letter, I will merely read the concluding paragraph:

Upon a proposal to exempt certain classes of positions by law the Senate Committee on Civil Service and Retrenchment, in report of March 9, 1898, said: "The Executive has the power to make such modifications as may be found advisable, therefore no legislation is needed."

So, from that standpoint there is absolutely no need for this express legislation incorporated in this bill authorizing appointments to be made outside of the civil-service law and rules.

Now, Mr. President, to complete this record, I desire to call attention to a few declarations of the Democratic Party in its platforms in regard to civil service. I shall not go back prior to 1888 or prior to the civil-service law of 1883, although several declarations in favor of civil-service reform were made by the party prior to that time. But taking the platform of 1888, what does it say?

Honest reform in the civil service has been inaugurated and maintained by President Cleveland, and he has brought the public service to

the highest standard of efficiency, not only by rule and precept, but by the example of his own untiring and unselfish administration of public affairs.

I think that, to a large degree, is a deserved tribute to President Cleveland and his efforts to abide by and enforce the civil-service law according to its spirit.

I take just a short extract from the platform of 1892:

Public office is a public trust. We reaffirm the declaration of the Democratic national convention of 1876 for the reform of the civil service, and we call for the honest enforcement of all laws regulating the same.

These several declarations are not simply declarations in favor of the idea of civil-service reform, but they are declarations in favor of enforcing existing laws in regard to civil service.

Take the platform of 1896:

We are opposed to life tenure in the public service, except as provided in the Constitution. We favor appointments based on merit, fixed terms of office, and such an administration of the civil-service laws as will afford equal opportunities to all citizens of ascertained fitness.

Oh, you must consider the grand principles you have enunciated here, though just now you seem to think they are "more honored in the breach than in the observance."

Take the next platform, that of 1904:

The Democratic Party stands committed to the principles of civil-service reform, and we demand their honest, just, and impartial enforcement.

The principles have been enacted into law, and it is that law of which you demand the enforcement.

The platform of 1908 said:

The law pertaining to the civil service should be honestly and rigidly enforced to the end that merit and ability shall be the standard of appointment and promotion rather than services rendered to a political party.

Yet here, in face of the fact that the Civil Service Commission certifies to the number on the eligible list, and certifies to the fact that examinations are being held sufficient to cover every possible need under the civil-service law, you are going absolutely to ignore it, and you have the hardihood to say so right here in this bill.

Again, the very last declaration—that of 1912—is:

The law pertaining to the civil service should be honestly and rigidly enforced, to the end that merit and ability shall be the standard of appointment and promotion rather than service rendered to a political party.

The Civil Service Commission is trying out the question of merit and ability with thousands now for the very purpose of ascertaining whether or not they are competent to perform the duties of inspectors, collectors, and agents under this law. Do you really believe in merit and ability? Then, when there is no need for going outside the law and the rules, why not now put into practice the splendid principles you have so loudly professed and in which, I think, your constituents, nay, the American people, now most heartily believe?

Why, with those many expressions of loyalty to the principle of civil-service reform, if I should be permitted to personify that principle, I think I would be quite justified in exclaiming:

Et tu Brute!

For in the face of such pretensions this is the unkindest cut of all.

Mr. President, we know the old saying, the declaration of the old principle which permeated and poisoned our politics for so long a time and was so detrimental to the interests of good government—

To the victors belong the spoils.

I want to call attention to one or two extracts here, and inquire if the Democratic Party to-day sanctions these expressions on the part of Democrats.

A Member of the present House of Representatives says:

I am opposed to the civil-service law as now administered and could not vote for any provision placing these positions under such civil-service law. In fact, I expect to introduce a bill to repeal the present law.

In this day and age of the world and at this time in the history of our country talk about repealing the civil-service law and going back to or approaching anywhere near the old and evil doctrine, "To the victors belong the spoils"! It is preposterous!

But here is another. He says:

I do not concur with the reasons you assign for your opposition to this feature of the income-tax provisions of the tariff bill.

And he boldly asserts:

I am one of those who believe that to the victors belong the spoils. I am not in favor of any of the provisions of the "act to regulate and improve the civil service."

I suppose before the election these men stood on the party platform. Have you, too, here in the Senate thrown off all disguises?

There is another saying—I will not say it is the saying of any author in particular, but in contrast, anyhow, to the saying, "To the victors belong the spoils," I here urge this expression, "To the victor belongs magnanimity." Not, Mr. President, a magnanimity which calls for a division of the spoils; nothing of that kind, but "magnanimity" means great-heartedness, great-mindedness; the great-mindedness which, putting aside the thought of mere party advantage, resolves to obey and observe a wholesome and beneficent law in which the people believe. That is the magnanimity we crave, and that is all.

Why, with these professions, how does it seem to say, "To the victors belong the spoils"? To the Democratic Party, civil-service reform again personified, it might say, as said the character in King Lear:

Despite thy victor sword and fire-new fortune,
Thy valor and thy heart, thou art a traitor.

A traitor to the principles you have proclaimed again and again, and which, aside from the spoils that tempt, you in your hearts now believe to be just.

So, Mr. President, without any necessity for it—but on the other hand, with convenience as a reason for making these appointments under the civil-service rules—where is the justification for this act to-day? It is not simply for civil service that I ask this, and that the friends of civil-service reform ask it, but here is a peculiar law, an income-tax law. I want briefly to call attention to some observations made by Judge Cooley in regard to such a law.

Time out of mind we have heard it said that an income-tax law is the most difficult of enforcement of all tax laws. The system of espionage involved, the inquisitorial methods necessarily employed, have rendered it an unpopular law. I do not believe such prejudice exists now as existed when Mr. Cooley wrote these lines. I believe to some extent it has been overcome. But the thing more than all others that has helped to overcome that prejudice is the fact that in an income tax the people see a more equitable distribution and some relief from the rapidly increasing burdens of taxation upon their property, State and municipal taxation. But there will still be objections to its enforcement and greatest care will be required to avoid prejudice against the law.

Judge Cooley said:

1. An income tax can not be enforced without minute inquiry into every man's affairs. In this regard the difficulties are found to be much greater in this country than in most others, because in older countries society is more steady and fixed; the people change their locality, their pursuits, and their business relations less frequently; and sources of income and probable returns are more open to public inspection. In most other countries, also, the supervision by the public authorities of private life and private business is more constant, minute, and particular than the ideas of our own people would tolerate—

We all recognize that is true and that that has made one great difficulty in the reconciliation of the people to an income-tax law—

and the traditions of our people—who remember the general warrants of the last century and who trace their liberties through resistance to inquisitorial inspection of private affairs and domiciliary visits of officials—are all such as to set them instinctively and firmly in opposition to the measures necessary to obtain the information on which the tax must be levied.

And much more to the same purpose. So I want to see the faithful, honest, efficient administration of this income-tax law, in which I believe and in the principle of which I believe. How shall we get it? By looking first to merit and to ability in these subordinate officials who are to inspect, who are to be the agents of the Government, and who are to collect the tax, and who can leave with the public the impression that they, the officials, are in no sense partisans, and that no person on account of party will be visited with their oppression or be the recipient of their favors.

Mr. SMITH of Georgia. Mr. President, I believe it was during the latter part of the administration of Mr. Cleveland that the civil-service law was extended over deputy collectors of internal revenue. With the reorganization of the service under Mr. McKinley, it was found that the civil-service examinations were unsatisfactory. The order of Mr. Cleveland was set aside, and appointments of deputy collectors were made without reference to the civil-service law.

I do not believe civil-service examinations, certainly not the present ones, are at all suitable to determine the question of merit for deputy collectors of internal revenue. The suggestion of the Senator from New York [Mr. ROOT], that the object was to get away from the merit system, I do not think is warranted. I regard the present examinations that are given by the Civil

Service Commission as utterly incapable of determining the question of merit for a deputy collector. I have examined a number of them. A bright young man out of the high school might take them, but very few business men 40 years of age could pass them.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New York?

Mr. SMITH of Georgia. I do.

Mr. ROOT. May I ask the Senator from Georgia if he thinks the recommendation of a Congressman is a better means of determining merit than the examinations that are now held?

Mr. SMITH of Georgia. I think the recommendation of a Congressman would be better than this examination, but I think a competent collector would pass upon the qualifications of his deputies, and select good men, and select them on account of their merit.

Mr. ROOT. May I ask the Senator from Georgia, then, what there is left of the present merit system, if he would have the recommendation of a Congressman substituted for the examinations as a means of determining merit?

Mr. SMITH of Georgia. I did not state that I would have the recommendation of a Congressman substituted.

Mr. ROOT. Mr. President——

Mr. SMITH of Georgia. One moment; let me answer the Senator's question. I said I thought the recommendation of a Congressman was a better method than this examination. That was what I said.

I now yield to the Senator.

Mr. ROOT. I entirely fail to perceive any distinction between the last statement and the former statement of the Senator from Georgia. He now says he thinks the recommendation of a Congressman would be a better means of determining merit than an examination; and in this bill he proposes to substitute an appointment without examination, which we all know—everyone knows—means merely that the appointments will be made upon the recommendations of Congressmen. I ask, again, what there is left of the civil-service system, based upon merit as determined by examination, if the course proposed by the Senator is to be followed?

Mr. SMITH of Georgia. Mr. President, I propose entirely to distinguish these deputy collectors from the ordinary class of civil-service employees, and to show why they fall under a different head. I will answer the Senator from New York. He did not quote me correctly. I simply said that I believed that the recommendation of any Congressman, certainly from my State, would give a better deputy collector than the examination propounded by the Civil Service Commission in my State and I repeat it. I not only say that is true, but I say that the men who passed their civil-service examinations are not as suited for the service as the men that have been recommended to the collector.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. SMITH of Georgia. I do.

Mr. GALLINGER. Did I understand the Senator from Georgia to say that during the McKinley administration deputy collectors of internal revenue had been removed from the provisions of the civil-service law?

Mr. SMITH of Georgia. That is my information. I have not seen the order.

Mr. GALLINGER. I will say to the Senator from Georgia, upon information received within five minutes, that they are now under the civil-service law. I knew that to be the fact in my own State and I made inquiry of the Commissioner of Internal Revenue, and he states that to be a fact.

Mr. SMITH of Georgia. That they are now under the civil-service law?

Mr. GALLINGER. That they are now under the civil-service law.

Mr. SMITH of Georgia. I think they were again put under it some six or eight years ago.

Mr. GALLINGER. I think the Senator is probably right about that.

Mr. SMITH of Georgia. But what I was bringing to the attention of the Senate was the fact that Mr. Cleveland undertook to extend the civil-service law over them and President McKinley found that they were not suited to the civil service and took them out from under it. If I could do so——

Mr. LODGE rose.

Mr. SMITH of Georgia. If the Senator will allow me, I should like to make a few remarks before being interrupted. I should like to see every deputy collector taken out from under the present system of civil service.

Mr. LODGE. If the Senator will allow me at that point, I will say that I am sure he is going to see it.

Mr. SMITH of Georgia. No; I am afraid I am not. But this is one instance in which we are going to follow, I hope, the advice of our friends upon the other side, and exercise our own judgment, without waiting for advice from the other end of the Avenue.

Mr. LODGE. Subsequently the deputy collectors were all put back into the civil service.

Mr. SMITH of Georgia. Why, certainly. After the places were all filled, after the men were all appointed, the civil-service law was extended over them.

Mr. LODGE. Certainly; they did exactly what Mr. Cleveland did. He filled all the offices with Democrats, and covered them in. In the case of the deputy collectors Mr. McKinley did the same thing.

Mr. SMITH of Georgia. Not at all. Mr. Cleveland did not find them under the civil service. He put them there for the first time.

Mr. LODGE. After filling the positions he put them there.

Mr. SMITH of Georgia. He put them under civil service after the appointments had been made, as the Republicans have so often done in other cases.

Mr. LODGE. As both sides have always done.

Mr. SMITH of Georgia. No; you took them out from under the civil service, made appointments, and then put the civil service over your appointees.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. SMITH of Georgia. Yes; I yield.

Mr. LA FOLLETTE. I hope the Senator will permit me to enter a dissent right there to his statement, "as the Republicans have always done everywhere."

As governor of the State of Wisconsin I had the opportunity to sign a civil-service law that covered not only all of the appointments ordinarily covered, but all legislative appointments as well. That law required every official in the State to pass the same examination and the same test for holding his office or remaining in his office that he would have had to pass had he been outside of the civil service and applying for appointment. There is one instance, anyway, where they were not covered in under the law.

Mr. SMITH of Georgia. Mr. President, I am not surprised at the course pursued by the governor of Wisconsin, but I am not willing to give the Republican Party credit for everything that is done by the Senator from Wisconsin. There are a great many things he has done, and still does, that the Republican Party generally can not claim credit for. I was referring to national appointments and national action, and I repeat that the Senator from Massachusetts is not justified in saying that the Democrats and the Republicans acted alike.

Mr. Cleveland did not remove from the civil service those he found under it. He extended the civil service over deputy collectors, and Mr. McKinley took them out from under it. I think Mr. McKinley was right about it. Now I wish to say why I think he was right about it.

Wherever an appointment can be filled by a young man just out of college, or just out of the high school, I believe in these competitive examinations, testing his scholarly acquirements, starting him in at the bottom, keeping the whole of the work under the civil service, and promoting solely upon the ground of merit. I believe in opening up to young men through the civil service just as wide and broad a field as possible for advancement in the Government service under the civil service.

What I am contending for is this: Deputy collectors get only about $1,200 a year. A young man just out of college is unfit for the work. You might just as well expect a big wholesale house in New York City to select its traveling salesmen from young men just out of the high school, or just out of college, and have efficient work on the road, as to expect a collector of internal revenue to select an efficient force from young men just from college.

There is no field for promotion in this service, and there is no room for any considerable advancement. A man of from 35 to 45 is needed to do the work. A man of some experience in handling men is needed. An ex-collector of taxes of any county would make a good deputy collector. An ex-sheriff would make a good deputy collector. Some man of middle age, who has had experience in doing work something upon the same lines, would do the service splendidly.

It might be that the Civil Service Commission could get up some kind of an examination, coupling with it tests of experience and age, that would be sufficient to decide by a civil-service test how to select men with merit for this work; but I deny

that the examinations they have been given are any tests of merit for this work. It never has been tried heretofore, because you filled them all up outside of the civil service. You have put in some since in that way, to be sure, but you have not undertaken to organize a force from the civil service.

Mr. LODGE. Why, Mr. President, large numbers who have gone in since the positions were covered into the civil service have gone in under the civil-service rules. These places of deputy collectors are not miraculous places. I suppose the Senator's remarks apply also to inspectors and agents as much as to deputy collectors, that their positions are so difficult that they can not be filled by examination.

Mr. SMITH of Georgia. That is not what I said. I said the examinations given are no test for fitness.

Mr. LODGE. We will discuss that later.

Mr. SMITH of Georgia. That is my position.

Mr. LODGE. I wanted to know if agents and collectors were in the same category.

Mr. SMITH of Georgia. I have not inquired particularly about them.

Mr. LODGE. They are in this proviso.

Mr. SMITH of Georgia. Then I think they are.

Mr. LODGE. Undoubtedly.

Mr. STERLING. Mr. President, will the Senator permit me?

Mr. SMITH of Georgia. Yes.

Mr. STERLING. Is not the presumption in favor of the man who has stood the theoretical test and taken the examination?

Mr. SMITH of Georgia. I do not think it is in this instance, and my observation is against it. The best men for the work who took the examination that I have examined did not pass it.

Mr. CUMMINS. Mr. President, will the Senator from Georgia yield to me?

Mr. SMITH of Georgia. Yes.

Mr. CUMMINS. There is nothing in the law, is there, that would prevent the Civil Service Commission from holding just such an examination and applying just such tests as the commission believes will develop fitness? We now have a Civil Service Commission of which, at least, two members are new and were appointed by the present administration. What reason is there to believe that this commission will not prescribe such an examination as will test, so far as an examination can test, the fitness of men who are proposed to be appointed deputy revenue collectors or inspectors or the like?

It seems to me the argument of the Senator from Georgia is directed toward a command to the commission to hold the kind of examination which he believes ought to be held. I quite agree with him that there could be held an examination for clerks that would be entirely unsuitable to determine the fitness of collectors; but if we have a commission that does its duty, it seems to me we can secure fitness through the examination prescribed rather than through the recommendations of Congressmen.

Mr. SMITH of Georgia. The Senator asks me what reason there is for believing this commission will not do so. I have seen the examination papers that they sent out in August, and I do not think that examination is any test whatever of the fitness of a man for the position of deputy collector.

Mr. CUMMINS. Then, Mr. President, that simply proves that our commission is not doing its duty and is not applying the tests which ought to be applied in order to secure the most capable men for the offices.

Mr. SMITH of Georgia. Not necessarily. The commission has under it men who prepare examination papers, and who have been there for a long time. They are supposed to be trained and are supposed to use the best means that can be devised. Their means I consider a failure.

Mr. CUMMINS. I am not making any charge against the commission, for I have the highest regard for them. I am simply applying the charge which the Senator from Georgia has made.

Mr. SMITH of Georgia. I am not making any charge against the commission. I tell you what they have done, and I say I do not consider that examination any test. I feel sure that it is no test, and I apply it, then, to the men who took it, and I know that the least efficient for the particular service stood the examination, while the more proficient did not.

Mr. WEEKS. Mr. President, I want to ask the Senator from Georgia if there is anything in the argument which he has used in support of this provision which will not apply with equal force to all other similar civil-service examinations?

Mr. SMITH of Georgia. In answer to that question I will say that if it was exactly similar of course my argument would apply, but a few moments ago I undertook to distinguish a large class that were not similar.

Mr. WEEKS. One more question, Mr. President. Is this an indication of the tendency or the policy of the Senator's party regarding the civil service and its future application?

Mr. SMITH of Georgia. I am not prepared to say that it is, except as to a case like this. If I had my way, I would take every one of the deputy collectors out of the civil service and I would extend the civil service to every place where a young man could properly enter it and have a field for advancement as he grew in years and as he grew in experience.

Mr. WEEKS. One more question, Mr. President. Does not the Senator think that the Civil Service Commissioners could so frame their examinations that they would cover all the objections which he has made in this case?

Mr. SMITH of Georgia. I am not sure. I think that there would have to be a good many changes in the subordinate force in the civil service for them to have judgment enough to pass upon it.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. SMITH of Georgia. Yes.

Mr. McCUMBER. Do I understand that the Senator would have no examination whatever for these positions?

Mr. SMITH of Georgia. For what positions?

Mr. McCUMBER. For the positions he is speaking of.

Mr. SMITH of Georgia. I would take the deputy collectors out from under the civil service.

Mr. McCUMBER. Would the Senator have any system whatever of examination to determine their fitness or competency?

Mr. SMITH of Georgia. I do not at all think that is the best way to determine it. I think in the case of the deputies—a capable man to be selected—the experience and record of a man would better determine his fitness than any book examination.

Mr. McCUMBER. Does the Senator believe that the Commissioner of Internal Revenue would of his own volition select the men whom he desired or would he be influenced more or less by those who were responsible for his appointment?

Mr. SMITH of Georgia. Perhaps more or less by that; but I think also if he was a capable man he would pass on the men himself and reject any who were not competent.

Mr. McCUMBER. I think the Senator suggested a short time ago in his remarks that he thought the Civil Service Commission might promulgate some rules of examination that would determine the fitness and competency of men for these positions. Now, I want to ask the Senator this question, because I have already prepared an amendment to conform to the idea. Would he object to an amendment, inserting in line 6, on page 209, the words:

But upon such examination as to competency and fitness as may be prescribed by the Civil Service Commission.

So that while these appointees would not be under the civil service so far as relates to their right to hold like positions, and so forth, yet some commission would pass upon the competency or fitness of the persons applying for such positions. Could not the Senator conscientiously support an amendment of that kind?

Mr. SMITH of Georgia. I wish the Senator would read his amendment once more.

Mr. McCUMBER. I will read it as it would read with my amendment, as follows, and then the Senator will understand it:

That for a period of two years from and after the passage of this act the force of agents, deputy collectors, and inspectors authorized by this section of this act shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January 16, 1883, and amendments thereto, but upon such examination as to competency and fitness as may be prescribed by the Civil Service Commission.

Mr. SMITH of Georgia. Mr. President, very frankly I would rather let the Secretary of the Treasury prescribe the rules for this particular class of officials than the Civil Service Commission. I think there are some men in the Civil Service Commission who prepare examinations, and who could not stand an examination for the positions they have if they were tested by the examination papers that they have sent out. I think as to deputy collectors they have shown no conception of the work, and they have lacked the knowledge they ought to have had with reference to the work in their scheme of testing the fitness of those who are to take the places.

Mr. McCUMBER. Why does the Senator think that we would obviate that by changing the examination from one arm or department or bureau of the Government to another?

Mr. SMITH of Georgia. I have seen one tried and it has failed. We would have a chance in the other direction. I know that the other examinations have failed.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. Yes.

Mr. BRISTOW. I should like to inquire why the Senator favors the language used forbidding the President or the Secretary of the Treasury from taking those from the eligible list of the civil-service rolls if he thought it best? This language forbids him to do it.

Mr. SMITH of Georgia. We agree with you that sometimes it is just as well for us to act without advice.

Mr. BRISTOW. This is an administrative provision. I agree with the Senator that it is altogether proper for the legislative branch of the Government to legislate, but where it provides a system for the administration of the executive branch of the Government it seems to me some discretion might be left with the Executive as to the character of the subordinates upon whom he must depend to carry out the law. They are not legislative subordinates.

Mr. CHILTON. Mr. President, I wish to say, in response to what the Senator from Kansas stated, that I think he is totally in error in construing this language as he did. If he will look at the last proviso on page 208, he will see that there is really a legislative construction of the former provision. It reads:

Provided further, That no person now in the classified service who shall be appointed as an agent, deputy collector, or inspector shall lose his civil-service status because of such appointment.

Clearly meaning that we do not mean to prohibit an appointment from the classified service now.

Mr. BRISTOW. I suppose that means that those who are now deputy collectors shall not be discharged if they happen to be assigned to this work.

Mr. CHILTON. No; it means if you appoint anyone from the classified service, which in contemplation of law may be done, he shall not lose his place; that is all.

Mr. BRISTOW. Now, then, let me read the first proviso.

Mr. SMOOT. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from Kansas, who was first on the floor, and then I will yield to the Senator from Utah.

Mr. BRISTOW. The first proviso reads:

That for a period of two years from and after the passage of this act the force of agents, deputy collectors, and inspectors authorized by this section of this act shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and without compliance with the conditions prescribed by the act entitled—

And so forth.

Mr. CHILTON. If the Senator will pardon me, that means that you are not required to comply with the act, but you may do so. That is, you may appoint persons either as deputy collectors——

Mr. BRISTOW. But the language is, if the Senator will permit me, that they shall be appointed by these officers, "and without compliance with the conditions" of the act of 1883. If that does not mean that they shall not be taken from the eligible list, I can not construe language.

Mr. SMITH of Georgia. I yield to the Senator from Utah.

Mr. SMOOT. I was simply going to suggest to the Senator that it seems to me the easiest way to stop the whole of this argument is to say, "We want the offices, and we intend to have them if possible." It seems to me that is the whole situation.

Mr. SMITH of Georgia. Mr. President, I will answer both the Senators.

In answer to the Senator from Kansas, I call his attention to the fact that the latter part of the clause applicable to appointments allows men to be taken from the classified service. The first clause means that they shall not be subject to the examination that has been held by the Civil Service Commission for deputy collectors. They may be selected from men already in the civil service and not lose the right of returning to the civil service.

Now, with reference to the suggestion of the Senator from Utah, if we had had intelligent examinations in my own State, of a character that would really test the fitness of men, I would vastly prefer they should get places that way than by political designation. So far as Representatives and Senators are concerned, the responsibility about suggesting men for office is not a political asset, but a liability.

Now, Mr. President, if I may be allowed for five minutes to express my views without interruption, I do not believe that so far the examination by the Civil Service Commission tests the fitness of men for these small-salaried places, which require men of some experience and business capacity. These positions are easily distinguished from the class of positions where there are a large number employed, some at small salaries, some which quite young men without experience can fill, and where there is an inducement to enter the service by the chance of promotion. They are distinguished because these places have no promotions in them and they take a full-grown man to start with. They take, as nearly as you can get him, as capable a man as a wholesale house or factory would employ to travel through a State and look after business on the road. It is that class of men who are needed to do this work efficiently, and a young man just out of school or college has not the training and is not fit for it. It is not a clerical position in an office where you can start a young man and promote him.

Mr. LODGE. That is not the case with most of the offices.

Mr. SMITH of Georgia. It is with the agents and deputy collectors and inspectors. We are not freeing the clerical force from the civil service. We have expressly distinguished between the clerical force and the field force. We intended this provision to apply only to that class of men who are sent out on the road, and a class of them doing work, as I said before, like the highest class and best-paid traveling men for big wholesale or manufacturing plants. I should like to know what wholesale house in New York City, being just organized and going into business, would undertake to hold a civil-service exclusively book examination for the selection of its force of traveling men. I wish to know what wholesale house in New York City, if half of its traveling men resigned, would undertake by the examination prescribed by the Civil Service Commission to fill up the vacancies existing in its force. The Senator from New York [Mr. ROOT] urges a merit system. If a business house followed such examination to select its force, it would not be in business very long.

Mr. BRISTOW rose.

Mr. SMITH of Georgia. I would rather not yield to the Senator now. I have been interrupted so often that I should like to finish.

My reason for justifying President McKinley in taking these deputies out of the civil service is that a book examination is a very poor test, beyond reading, writing, and arithmetic, of the fitness of a man for the place. If you test his mental culture by an advanced examination, no man of 45 with any business capacity would wish the place. To illustrate, the questions in geography in the recent examination covered little towns scattered over the United States, with which I do not believe any Senator, except from the State in which the towns are located, would be familiar. I doubt whether half the Senate could take the examination.

I would rather risk the Commissioner of Internal Revenue to select a capable force of men to do this work. I believe he would select them with just as much care as any one of us would select a collector for his State, and I am sure no Senator would select a collector for his State that he was not confident would fill the place well.

Now, the Senator from Kansas wanted to ask me a question.

Mr. BRISTOW. I wanted to suggest to the Senator, by his permission, that there is a wide difference between the running of a wholesale house and the administration of a Government position. The Senator knows well that the man in control of a wholesale house is interested in the development of a business for profit. The man in charge of a political office in Georgia or Kansas or any place else is appointed there, if it is outside of the civil service, nine times out of ten because of political service that he has rendered to members of the party in power. The Commissioner of Internal Revenue is not free to go out and select the men who he thinks will administer the office better as is the man in charge of a business concern; he is bound by political obligations and ties. Now, we may theorize all we please, but that the Senator from Georgia knows to be a fact. I do not claim that Senators are any better than anybody else when it comes to appointments to office. The Senator from Georgia is as honorable and high minded as any Senator on this floor, and when he recommends a man for office in Georgia he recommends nine times out of ten some political friend who has rendered service to him. Of course he thinks he can properly discharge the duties of the office or he would not recommend him. The result of such an appointment has been such that the American people thought it best for their Government to establish a civil-service system and through that system to select men independent of political obligations.

Now, the Senator has arraigned the Civil Service Commission for incompetency. If it is incompetent, then it ought to be removed and competent men selected. If there are men in charge of the administration of that bureau who are not properly doing their duty, the commission should change them by reductions or transfers to positions which they can properly fill, or remove them if they are not fit for the service. But when one undertakes to make a comparison between a political and business administration, the comparison does not properly lie.

Mr. SMITH of Georgia. The Senator's reference to appointments in my own State has made the suggestion to me to still further illustrate the distinction I draw between these deputies and a large number of places under the civil service. The Sen-

ate during the present week confirmed the new postmaster at the city where I live, which ranks among the cities having the largest postal receipts in the United States. Here there is a large force of men with varying salaries. I would not take a man in his force out from under the civil service. There is a splendid opportunity in this service to obtain proficiency through the civil service. They enter at from $600 to $900. The best men to enter are young men, and they are promoted until their salaries reach quite competent pay.

The same is true in the Railway Mail Service and in all the postal service. I was distinguishing these lines of appointment, because they were all places of small pay—$1,200 is about the pay—with no chance for an increase, and not suited to men without some business experience. I was not arraigning the Civil Service Commission. I was stating a fact. I have no doubt they do the best they can, but I do say that they have not found a way properly to test the selection of men of this character, and it is very difficult to find a way to test the capacity and fitness of a man where the position requires some business ability, some maturity, some knowledge of men, and yet is a poorly paid place which does not require any scientific knowledge and which does not offer the opportunity for promotion.

I am in favor of keeping the civil-service law over places that open a field to young men, that will be an inducement to them to enter and make the Government service their life work.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. Yes.

Mr. CUMMINS. The remark just made by the Senator from Georgia emboldens me to ask him his opinion concerning an amendment which I intend to offer to the clause under consideration if it shall be adopted.

Mr. SMITH of Georgia. I hope the Senator will not ask me whether I will vote for the amendment.

Mr. CUMMINS. Oh, no.

Mr. SMITH of Georgia. But I will promise him to consider anything that comes from him.

Mr. CUMMINS. I ask the Senator his opinion with regard to it, but not as to how he will vote upon it. If this change shall be effected in the civil-service law I shall offer this amendment, which I think is in absolute harmony with the suggestion just made by the Senator from Georgia——

Mr. SMITH of Georgia. I will yield the floor to the Senator from Iowa. I have been on the floor so much longer than I intended to be that my associates on the Finance Committee will never forgive me if I take up any more time.

Mr. CUMMINS. Mr. President, I want the Senator's opinion about this amendment, because it may lead to a good deal of light. I shall propose this:

Provided further, That the person so appointed without the examination provided by the said act approved January 16, 1883, and acts amendatory thereof, shall not be covered into the regular classified service without competitive examination.

I am not going to argue it now, but I ask the Senator from Georgia whether he is not of the opinion that that is necessary in order to complete the very purpose he has in view?

Mr. SMITH of Georgia. I was interrupted, and did not exactly catch the language of the proposed amendment.

Mr. CUMMINS. If this proposed act passes, we are about to appoint a great many men and women to the service without examination. Of course the Senator from Georgia knows that once they are appointed to the service they can be covered into the classified service by an Executive order. Then they become officeholders for life or during good behavior or during competency, and are capable of being transferred into any other department of the service to which they may be eligible. Therefore I shall propose—I think it is in exact harmony with the suggestion made by the Senator from Georgia—that these special people, if they are not required to take an examination, ought not to be permitted to hold any other places than those to which they are appointed, and they ought not to be protected in their tenure by the civil-service law, but ought to retire at the will of the appointing power. Therefore I shall propose this:

Provided further, That the person so appointed without the examination provided by the said act approved January 16, 1883, and acts amendatory thereof, shall not be covered into the regular classified service without competitive examination.

Mr. SMITH of Georgia. I will say to the Senator from Iowa that while I am not prepared at this time to vote with him the amendment suggested by the Senator impresses me most favorably.

Mr. LODGE. Mr. President, since I took my seat in the House of Representatives in December, 1887, down to the present time I have tried to fight for the maintenance and the extension of the civil-service system. I have fought with my own party, I think, quite as often as I have with the party on the other side, and though I may not have effected much I have acquired a considerable familiarity with the arguments which are made when gentlemen want to get offices for political distribution. They have always been the same from the beginning; there has been no change in the arguments, though the illustrations may vary a little.

In the earlier days, when the civil-service system was struggling into life, it was common to hold it up to ridicule and to say, "You want to examine clerks here in the departments and you examine them in Greek and Latin; it is the Chinese system; you examine them in the higher mathematics." Of course that was never done; and still that kind of argument did very well at the time. As the character of the examinations became generally known the burlesque as to the examinations had to be abandoned, and the opponents of the system came down to the general proposition, when they wanted to get an office for political distribution, that the examination was bad—I am always perfectly certain that that will be said; that it does not test the fitness of the person properly—I am always perfectly certain that that will be said; and also that no Senator and no Member of the House could pass the examination if it was presented to him. I waited with interest to hear the Senator from Georgia [Mr. SMITH] say that, and I was not disappointed; he did.

Mr. SMITH of Georgia. And I think it is true.

Mr. LODGE. I have no doubt it is; I have heard it repeated here at intervals within the last 26 years, and I expect to hear it again.

Mr. SMITH of Georgia. I have not heard it since I have been here.

Mr. LODGE. Perhaps we have not had a civil-service discussion, though I think we have. While the last Republican administration was in power I think I remember making a fight against any amendment of the law in regard to covering in certain appointments, in which I found the Senator from Georgia, with the traditions of the Cleveland administration strong about him, one of the most ardent civil-service reformers that I have ever met.

Mr. SMITH of Georgia. Mr. President, I will ask the Senator from Massachusetts if the places we then had under consideration were exactly the same class of places as those to which I have referred to-day?

Mr. LODGE. They were not the same places that are now to be distributed; no.

Mr. SMITH of Georgia. And not the kind?

Mr. LODGE. Not the same kind that are now to be distributed; no.

Mr. SMITH of Georgia. I would be with you again in that same fight.

Mr. LODGE. The case that is under consideration for political distribution is always a little different from all the other cases, and though the illustrations have varied there are certain figures that have always marched with me in civil-service debates during the last 24 years; there is always the high-school boy; there is always the college graduate; generally the schoolteacher—he was omitted to-day, but the high-school graduate and the college graduate have always been with us in these debates. They are open to the charge, the crime, of being young men, which is a charge that is always made. Those dark figures have passed through these debates, casting their baleful shadow over the pathway of the experienced, valuable business man who can not take an examination. There the high-school boy and the college graduate have been shutting out the invaluable business men who can not take an examination.

I have great respect for all those figures and all those arguments. They are all old, and they deserve the respect which age inspires; but, Mr. President, now, as always, the real purpose is that on one side or the other we want to make political appointments to some office. I do not think there is any moral turpitude in that desire; I think it is a very natural one; we have all had it; but that is the real purpose behind this provision.

There is nothing very wonderful in the duties of a deputy collector or an agent or inspector of internal revenue. The work a deputy collector has to do in many districts is office work similar to the work performed by the collector. In some districts, no doubt where there is illicit whisky distilling, the deputy collector has to lead a more active life, and if the examination in such cases could be extended to test his readiness with a gun I think it would be very well, and perhaps better men would be secured for the place. Such a test might be added for those districts. As a rule, however, there is nothing very complicated about the duties of a deputy collector. Such a position is no more difficult to fill than a clerical position in any other branch

of the service; it is no more difficult to fill than the office of gauger or deputy collector in the customs service, or a thousand and one offices which require honesty, character, intelligence, good common sense of a reasonable sort, and also a reasonable degree of education.

Mr. CHILTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from West Virginia?

Mr. LODGE. With pleasure.

Mr. CHILTON. The Senator mentioned honesty as one of the requirements of a deputy collector. Does he recall that the law makes the collector liable for any dereliction or default of a deputy? The law goes so far as to make him not only liable upon his bond, but it makes him liable in a criminal prosecution for any default of the deputy.

Mr. LODGE. I am aware of that, Mr. President.

Mr. CHILTON. Would the Senator be willing to let an examination be held in Washington of girls and boys and men—I am not after the boys—and appoint people from the District of Columbia, from Ohio, and from Pennsylvania and send them to the State of Massachusetts, where the local officer upon his bond is liable to the Government for any dereliction? Would the Senator be willing to do that, or would he not want to make the selection himself and determine himself as to the honesty of the appointees? Is not defalcation really the first thing that should be guarded against? Does the Senator not think that makes this provision an exception and quite a different case from that of a clerk who has not the responsibility which makes the danger great?

Mr. LODGE. I know that argument also, Mr. President; it is an old friend; it has been met very largely by bonded officers taking bonds from their subordinates. Of course, if they take bonds from their subordinates, I will admit that you at once introduce an element which is dangerous to the experienced and invaluable business man who can not take an examination, because sometimes he can not furnish a bond. Of course a collector has the right to protect himself, and, as a matter of fact, such officers do protect themselves. Where their subordinates are civil-service appointees the superior officer takes a personal bond.

But, Mr. President, the collectors are not going to fill these places. We all know that. If it were left to the collector alone—though I think we probably should do better than we do on the average under the civil-service system—if it were left solely to the collector or solely to the Secretary of the Treasury or solely to the Commissioner of Internal Revenue, looking merely at his administration, we should get a pretty good body of men; but the collector does not make the appointment, though he is responsible for the conduct of the service. Senators and Members of the other House make them, although they are not responsible for the conduct of the service, and that is the most vicious thing in the whole system. We may cover it up with all the fine phrases we please, but every one of us who has been in politics and has had experience knows that those places are filled by the heads of departments on the recommendation of Senators and Members of the House, who are not responsible for the administration of the department.

Mr. CHILTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from West Virginia?

Mr. LODGE. With pleasure.

Mr. CHILTON. Since the Senator has had the experience and appreciates what it is, I want to say to him that I have never had that pleasure, and I should be pardoned for wanting to have the same experience that he has had.

Mr. LODGE. Naturally; and this clause has been put in to gratify that very natural desire on the part of the Democratic Party. That is the honest reason, and there is no need to be ashamed of it. If you choose to argue it, I do not think it is for the best interest of the Government, but an honest reason squarely stated is all right. You may disagree with it, you may try to defeat it, but at least it is straightforward and honest.

Now, a word as to private business, which is another familiar argument. Private business is a constant examination. If the traveling man or the agent, or whoever he is, does not do well, he is dismissed. He is acting under an examination of the most effective possible kind, but a man who enters office on a political appointment, with strong influence behind him, and does not do his work well, is not dismissed, because he is held there by political influence. The people who gather and pursue Senators and Representatives of both parties to help them retain their places in the departments, to help them get promotions—the men and the women, too, who seek influence in that way, as a rule, are inefficient clerks. The good clerks, who have nothing to fear, who are getting their promotions on merit, rarely disturb a Senator or a Representative. That is the distinction between private business and public business.

Mr. President, when I began I did not mean to say as much as I have said; I only meant to say a few words. What I want is simply a vote on this paragraph, and I regret that I have consumed as much time as I have.

Mr. LANE. Mr. President, I should like to say merely a few words in connection with this subject. It is a matter which has always interested me a great deal, for the reason that I served for four years as chairman of a civil-service commission, and while I am now and always have been willing to concede that the civil-service system is superior to the spoils system and relieves the country of a great many evils which followed the spoils system, yet the present civil-service system has certain weaknesses about it which I think we ought to endeavor to cure if we can.

The scope of an examination does not at any time prove the honesty, the common sense, or the energy of the appointee. Those characteristics can not be shown by any examination which has yet been devised.

If an employee is inert or if he is unfriendly to the administration under which he is working, he can impede it, he can block it, he can do great harm, and yet commit no offense for which he can be held subject to dismissal. He can become an embarrassment which is insurmountable, and yet he is irremovable. So in our State we finally decided upon a change in our charter, and we changed it to this effect: We gave the civil-service commission full authority to conduct examinations for all subordinate positions, and we compelled the appointing power, the executive officer, fairly and openly to select his employees from the eligible list. It was a nonpartisan board and a nonpartisan administration. To protect the people from the loss which they sustained from inefficient work on the part of the civil-service employees who had been given their positions, who resented any interference with them, who, if you removed them, obtained a trial and carried the case clear through to the supreme court, and if you did not have the strongest possible evidence against them, enough to convict a man for murder, you would fail to get rid of them and they would draw their salaries all the time while they were suspended—to protect the people, I say, we put a clause into the charter by which the appointing power, the executive officer under whom the employee worked, had the right to dismiss him at any time for cause, provided he were not removed for causes either of a political or of a religious nature.

We allowed him a free hand in every respect; then he could go back to the list again and pick and choose until he secured men who could loyally work with him for the benefit and the advantage of the people, the taxpayers, who have to pay these salaries.

We found that the city had lost and had frittered away hundreds of thousands of dollars through inefficient help, and that was the only remedy we could devise without going back to what I consider a worse system—the spoils system.

I give you that for just what it is worth. I thank Senators for their attention.

Mr. McCUMBER. Mr. President, I never have been a very firm advocate of the portion of the civil-service law which provides for a life tenure. I always have opposed it. I opposed it upon the very grounds that have just been given by the Senator from Oregon [Mr. LANE]; but I always have been in favor of the portion of the law which provides for an examination to determine the fitness of the applicant for the position which he seeks.

I can scarcely understand what seems to me to be a sudden change of position on the part of the Senator from Georgia upon this question. Only a year ago the Senator from Georgia seemed to be one of the strongest advocates of the inviolability of the civil-service law. I found him only about a year ago not only the ardent supporter of that law, but found him joining such radicals as the Senator from New York [Mr. ROOT] and the Senator from Massachusetts [Mr. LODGE], and such conservatives as the Senator from Kansas [Mr. BRISTOW] and the Senator from Iowa [Mr. CUMMINS], in an ardent defense of the Civil Service Commission, and its methods of examination, and everything connected with it.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me, is it not true that the whole fight we had then was on the effort to limit the length of service? Was not the part I took one of insisting that the classes of places that could be opened to young men ought to be opened as a permanent service? And was there anything inconsistent in the position I took then as compared with the one I took to-day?

Mr. McCUMBER. That is not the occasion to which I refer. A year ago I myself sought, by an amendment, to cover under

the civil-service law a number of persons that might range all the way from 30 to 100, who had had several years of experience as clerks in the Immigration Commission and who, after that, had had about two years of service in the Census Bureau, and to allow them to be used as clerks in both the Census Bureau and the Bureau of Pensions. If I remember rightly, those clerks who had had experience in the Immigration Commission had been weeded out until there were left only the very best of them. Then those very best were utilized by the Census Bureau, and came before us with the best character of examination in the world—the examination which consisted of a demonstration of their ability to do the work required of them.

I desired to cover them into the civil service. I think, if I remember rightly, the Senator from Georgia joined these other Senators, and was not in favor of opening the door one inch to allow these persons to get in under the civil-service law, because of the influence it might have in the way of widening the breach and allowing others to get in.

Mr. SMITH of Georgia. No; the Senator is mistaken.

Mr. McCUMBER. Possibly I may be mistaken as to the Senator joining in that, but I think he was one of those who were opposed to opening the door even to that extent where there had been this best of examinations in the world.

The Senator ought to agree with me at least upon one thing, and I think the Senator from Iowa ought to join him in that before he offers his amendment, and that is to vote in favor of an amendment I propose which will require an examination; that is all. If the Senator has doubts as to the propriety of the Civil Service Commission making this examination, I will agree with him that the Treasury Department may prescribe the rules of the examination for this purpose, but I do believe there should be an examination, so that we may not lay ourselves open to the charge that this is merely an opportunity for us to pay our political debts by the appointment of people who may or who may not be fit to fulfill the duties of their positions.

I think that is a proper amendment, and that it should be made, so that we may have at least competent persons; and I am willing to trust the Treasury Department to promulgate rules for that examination.

Mr. WILLIAMS. Mr. President, this matter having been fully debated again for about the fortieth time since I have been a Member of Congress, and all the things that have been said before having been said again, I hope we may have a vote upon the amendment.

Mr. BRISTOW. Will the Secretary please state the amendment, so that we may understand just what it is?

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. The amendment proposed by the senior Senator from Massachusetts [Mr. LODGE] to the amendment of the committee is, on page 208, line 23, to strike out the following words:

Provided, That for a period of two years from and after the passage of this act the force of agents, deputy collectors, and inspectors authorized by this section of this act shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January 16, 1883, and amendments thereto, and with such compensation as the Commissioner of Internal Revenue may fix, with the approval of the Secretary of the Treasury, within the limitations herein prescribed.

Mr. LODGE. On that I ask for the yeas and nays.

Mr. McCUMBER. Before the yeas and nays are taken, is this a motion to strike out this part of the committee amendment?

The VICE PRESIDENT. It is a motion to strike out.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair as on the former vote and withhold my vote.

Mr. BRYAN (when Mr. FLETCHER's name was called). My colleague [Mr. FLETCHER] is necessarily absent on public business. He is paired with the junior Senator from Wyoming [Mr. WARREN].

Mr. GALLINGER (when his name was called). I transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the junior Senator from Maine [Mr. BURLEIGH] and will vote. I vote "yea."

Mr. KERN (when his name was called). On account of my pair with the senior Senator from Kentucky [Mr. BRADLEY] I withhold my vote.

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Nevada [Mr. NEWLANDS] and withhold my vote.

Mr. THOMAS (when his name was called). I again announce the transfer of my pair with the senior Senator from Ohio [Mr. BURTON] to the junior Senator from Oklahoma [Mr. GORE] and will vote. I vote "nay."

Mr. JONES (when Mr. TOWNSEND's name was called). I desire to state that the junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent from the Chamber. He is paired with the junior Senator from Florida [Mr. BRYAN]. If present, he would vote "yea."

Mr. WARREN (when his name was called). I transfer my pair with the senior Senator from Florida [Mr. FLETCHER], so that he may stand paired with the junior Senator from Michigan [Mr. TOWNSEND], and will vote. I vote "yea."

The roll call was concluded.

Mr. REED. I am paired with the senior Senator from Michigan [Mr. SMITH]. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. McCUMBER. I transfer my pair with the senior Senator from Nevada [Mr. NEWLANDS] to the senior Senator from New Mexico [Mr. FALL] and will vote. I vote "yea."

Mr. WILLIAMS (after having voted in the negative). By inadvertence and without thought I voted when I ought not to have done so. I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. As he is absent, I desire to withdraw my vote.

The result was announced—yeas 32, nays 37, as follows:

YEAS—32.

Borah	Crawford	McCumber	Root
Brady	Cummins	McLean	Sherman
Brandegee	Dillingham	Nelson	Smoot
Bristow	Gallinger	Norris	Sterling
Catron	Jones	Oliver	Sutherland
Clapp	Kenyon	Page	Warren
Clark, Wyo.	La Follette	Perkins	Weeks
Colt	Lodge	Poindexter	Works

NAYS—37.

Ashurst	Lane	Robinson	Smith, S. C.
Bacon	Martin, Va.	Saulsbury	Stone
Bankhead	Martine, N. J.	Shafroth	Swanson
Bryan	Myers	Sheppard	Thomas
Chamberlain	Overman	Shields	Thompson
Clarke, Ark.	Owen	Shively	Vardaman
Hollis	Pittman	Simmons	Walsh
Hughes	Pomerene	Smith, Ariz.	
James	Ransdell	Smith, Ga.	
Johnson	Reed	Smith, Md.	

NOT VOTING—26.

Bradley	Fletcher	Lea	Stephenson
Burleigh	Goff	Lewis	Thornton
Burton	Gore	Lippitt	Tillman
Chilton	Gronna	Newlands	Townsend
Culberson	Hitchcock	O'Gorman	Williams
du Pont	Jackson	Penrose	
Fall	Kern	Smith, Mich.	

So Mr. LODGE's amendment to the amendment of the committee was rejected.

Mr. GALLINGER. Mr. President, after the negative vote, I now move to strike out the proviso and to insert the matter which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY In the committee amendment it is proposed to strike out the proviso commencing on line 23, page 208, and ending on line 8, page 209, and to insert the following:

Provided, That all appointments under the provisions of this section shall be made in strict compliance with the rules and regulations of the Civil Service Commission, in accordance with the terms and provisions of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, and amendments thereto: *Provided further*, That hereafter when examinations are held for the positions of deputy collectors, agents, and inspectors the questions shall be so framed as to specifically test the capacity and fitness of the applicants for the several positions.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from New Hampshire to the amendment of the committee.

Mr. GALLINGER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I again announce my pair with the junior Senator from Maryland [Mr. JACKSON].

Mr. GALLINGER (when his name was called). I will make the same transfer of my pair as heretofore announced and will vote "yea."

Mr. KERN (when his name was called). I transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to the Senator from Nebraska [Mr. HITCHCOCK]. I vote "nay."

Mr. McCUMBER (when his name was called). I transfer my pair as before and vote "yea."

Mr. THOMAS (when his name was called). I make the same transfer as before and vote "nay."

Mr. JONES (when Mr. TOWNSEND's name was called). I make the same announcement in reference to the pair of the

Senator from Michigan [Mr. TOWNSEND] that I made on the preceding vote. I will let this announcement stand for the rest of the day.

Mr. WARREN (when his name was called). Making the same transfer as before, so that the Senator from Florida [Mr. FLETCHER] stands paired with the Senator from Michigan [Mr. TOWNSEND], I vote "yea."

The roll call was concluded.

Mr. WILLIAMS. I wish to reannounce my pair with the Senator from Pennsylvania [Mr. PENROSE].

Mr. REED. I am paired with the Senator from Michigan [Mr. SMITH], and having been unable to get a transfer I withhold my vote.

The result was announced—yeas 32, nays 37, as follows:

YEAS—32.

Borah	Crawford	McCumber	Root
Brady	Cummins	McLean	Sherman
Brandegee	Dillingham	Nelson	Smoot
Bristow	Gallinger	Norris	Sterling
Catron	Jones	Oliver	Sutherland
Clapp	Kenyon	Page	Warren
Clark, Wyo.	La Follette	Perkins	Weeks
Colt	Lodge	Poindexter	Works

NAYS—37.

Ashurst	Kern	Robinson	Smith, S. C.
Bacon	Lane	Saulsbury	Stone
Bankhead	Martin, Va.	Shafroth	Swanson
Bryan	Martine, N. J.	Sheppard	Thomas
Chamberlain	Myers	Shields	Thompson
Clarke, Ark.	Overman	Shively	Vardaman
Hollis	Owen	Simmons	Walsh
Hughes	Pittman	Smith, Ariz.	
James	Pomerene	Smith, Ga.	
Johnson	Ransdell	Smith, Md.	

NOT VOTING—26.

Bradley	Fletcher	Lewis	Stephenson
Burleigh	Goff	Lippitt	Thornton
Burton	Gore	Newlands	Tillman
Chilton	Gronna	O'Gorman	Townsend
Culberson	Hitchcock	Penrose	Williams
du Pont	Jackson	Reed	
Fall	Lea	Smith, Mich.	

So Mr. GALLINGER's amendment to the amendment of the committee was rejected.

Mr. McCUMBER. I offer the following amendment to be inserted after the word "thereto" in line 6, on page 209.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 209, line 6, after the word "thereto," insert:

But upon such examination as to competency and fitness as may be prescribed by the Civil Service Commission.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. McCUMBER. I now offer the following amendment, which is the same as that just offered and defeated by the other side, except that it provides that upon such examination as to competency and fitness as may be prescribed by the Secretary of the Treasury, and upon it I shall ask for the yeas and nays.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 209, line 6, after the word "thereto,"

But upon such examination as to competency and fitness as may be prescribed by the Secretary of the Treasury.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from North Dakota to the amendment of the committee.

Mr. NORRIS. I should like to inquire of the Senator what is the object in making this exception to the ordinary rule? He proposes that the Secretary of the Treasury shall make the examination?

Mr. McCUMBER. If I could get the ordinary rule applied, I would not have offered this amendment. I have just introduced an amendment, and it was voted down, which provided for examinations as to competency and fitness by the Civil Service Commission.

Mr. NORRIS. I will say to the Senator I voted for that amendment; I am very much in favor of it.

Mr. McCUMBER. I know; and having failed in that I desire to get the nearest I can possible to it, and have some kind of an examination, so that these may not be wholly political appointments.

Mr. NORRIS. I should think the tendency would be to make it a somewhat political appointment, because the examination would be held by a political officer rather than by the Civil Service Commission. It would make an exception to the ordinary rule of civil-service appointments. I doubt whether it would be wise to do it. Of course we could do it, but I do not think we should.

Mr. McCUMBER. I think it would be better to have some examination than to have none at all. In the discussion of the Senator from Georgia I think he agreed that an examination by the Secretary of the Treasury ought to be made.

Mr. NORRIS. If it was the usual rule to have that done there might be something in it, but this would break into the regular rule, making an exception, and the Senator himself concedes that it would not be as good as though it was done by the Civil Service Commission.

Mr. McCUMBER. Does the Senator see the way that the bill has already broken into the rule?

Mr. NORRIS. I understand that.

Mr. McCUMBER. I simply want to make the breach not quite as wide as it now is.

Mr. NORRIS. I agree entirely with the Senator that there ought to be an examination and it ought to be made by the Civil Service Commission. I am very much in favor of it.

Mr. McCUMBER. Then would the Senator say if it can not be made by the civil service it ought not to be made by anyone?

Mr. NORRIS. I would not say that.

I am forced to concede as an abstract proposition that if the Senator's amendment should be adopted it would be better than nothing. The danger, however, I fear, would be the establishment of a precedent that would perhaps be followed in the future, and before we got through we might have all kinds of examinations from all sorts of political appointees where we know the examination would be a farce.

Mr. McCUMBER. I do not think, if the Senator pleases, that it is going to establish any new precedent, if I gather the sentiment on the other side from all the votes they have cast.

Mr. NORRIS. I rather think that is true.

Mr. CLAPP. Mr. President, the remark of the Senator from North Dakota just made, it seems to me, is a reason why we ought not to be asked to vote for this amendment. Either we vote for it knowing that it is absolutely a waste of time or we vote for something which we do not stand for. I for one do not stand for any modification of the civil-service law with reference to the matter contained in this bill or any other bill. If there was any use in voting for it, if there was a hope of succeeding in the vote, it would certainly put us in a position of taking a step toward modifying the civil-service law. We would not vote for this amendment if we knew that it could be adopted and made an expression of the legislation of this country with reference to the civil-service law and rules. For one, I would not vote for a precedent standing for something that was a modification of those rules.

The other side have taken these particular positions out of the civil service. We have tried earnestly and honestly to put them back. We have voted, first, to strike out the clause which exempts them, and then we have voted to place the appointments permanently within the classified service. For one I must say I do not like to be put in the attitude even by a vote of establishing a precedent here in an attempt, if no more than an attempt, to modify the civil-service law of this country and modify it with reference to this particular matter.

Having voted first to strike out the exemption and then having voted to put these places permanently within the classified service, I do not think, for one, that I can vote for the initiation of an attempt to modify the civil-service law.

Mr. McCUMBER. Mr. President, the Senator from Minnesota is fearful lest in voting for this amendment he should vote for taking some steps to modify the civil-service law. By a failure to pass an amendment of this kind he is allowing a provision to stand which absolutely abolishes the civil-service law upon that particular branch of appointments. If I can not obtain all that I would desire, at least I would prevent, if I could, the total abandonment of the civil-service law in these appointments, and I would at least hold on to the part of it declaring that there should be an examination.

I shall not ask for the yeas and nays upon the amendment, because I know how useless it would be, and it would be taking up time, but I will ask for a vote upon the question.

Mr. SHIVELY. Having witnessed in recent years several hundred thousand Federal officers and employees locked away in the civil service by Executive orders without civil-service examinations of any kind whatsoever, I believe the Senate is ready for a vote on the pending amendment.

Mr. GALLINGER. Mr. President, it will be interesting to learn just what the Senator means by several hundred thousand having been put into the service without examination.

Mr. SHIVELY. Not only put into the service without examination, but kept in without civil-service examination or any other real test of efficiency.

Mr. GALLINGER. The most of those were put in by a Democratic President.

Mr. SHIVELY. Not at all, Mr. President. Quite the reverse.

Mr. GALLINGER. Sixty or seventy thousand at one stroke of the pen.

Mr. SHIVELY. Why, to-day, at least 90 per cent of the men employed in the Federal service throughout the United States are men of the Senator's own party faith.

Mr. GALLINGER. To my knowledge there are 50 per cent in the hands of Democrats.

Mr. MARTINE of New Jersey. Mr. President, within the last five minutes I was in conversation with a gentleman who is a post-office inspector in the city of New York. He made a statement to me that seemed impossible. I asked him to put it down on paper, which he did. He says there are 390 post-office inspectors, and they are all Republicans but 35. This came under the Republican system of civil service.

Mr. GALLINGER. Will the Senator give the name of that gentleman?

Mr. MARTINE of New Jersey. I would give the name, but the trouble would be that he himself is in the post-office employ in the city of New York, and I suppose that under the rules which govern it would make him amenable to some of the regulations and perhaps would hold him up. I have the name right here.

Mr. GALLINGER. Is he afraid of being dismissed by a Democratic President and a Democratic Postmaster General?

Mr. MARTINE of New Jersey. Whether dismissed by a Democratic or Republican President or not, he would be amenable to the rules.

Mr. GALLINGER. Then, did the Senator from New Jersey permit an official to violate the rules by communicating this to him?

Mr. MARTINE of New Jersey. We have not absolute hold of that thing yet, but we will have it in the near future.

Mr. GALLINGER. The Senator did not understand me. Did the Senator permit an official to violate the rules of the Post Office Department by bringing this information to him?

Mr. MARTINE of New Jersey. I do not speak understandingly that there is such a rule, but I believe there is a rule. I say advisedly before the Senate of the United States that this gentleman, whom I know, whose name is here, made this statement and placed those figures on this paper.

Now, I think that is about in harmony with the general line of the operation of the civil service. I would have the best civil service in the world. I would not appoint a man unless he was fit and competent. Fitness and competency should be the qualification in every instance. I say advisedly that I would not appoint any man to office, however insignificant the office was, simply because of the fact that he was a Democrat; but I would not appoint a man to office unless he was a Democrat under this system.

Mr. GALLINGER. The Senator had——

Mr. MARTINE of New Jersey. I say if this civil-service proposition of examination were carried out here in the Senate I think there would be comparatively a small percentage of us who would be able to pass. I think, in the college phrase, we would "flunk." I believe it is possible for us to have a good and efficient service in the Internal-Revenue Service, in the Post Office Department, and in all the other branches of the Government without being compelled to go through the process of the civil service. I think there is an infinite amount of truth in the thought advanced here that young men or young women from high schools would pass most flippantly and glibly an examination which others who for 40 or 50 years of our lives have been fairly successful in the transaction of business, who have led honest and sober lives, would find it impossible to pass. I do not believe that the public service or the well-being of our country would be enhanced if that system is pressed any further.

Mr. GALLINGER. The Senator from New Jersey has declared his business position. It is that he would not appoint anybody to office but a Democrat; so that if the young men and the young women who pass the civil-service examination chance to be Republicans or Prohibitionists the Senator would not appoint them.

Mr. MARTINE of New Jersey. I will do that which in my conscience and judgment will best advance the welfare of my country. I am a Democrat. I believe in the teachings and dogmas and principles of my party. I can not make my Government a success by installing New Hampshire Republicans.

Mr. GALLINGER. But the Senator from New Jersey has a conscience that does not allow him to go beyond appointing Democrats to office.

Mr. MARTINE of New Jersey. Well, my conscience is a pretty fair one.

Mr. GALLINGER. It is rather elastic.

Mr. MARTINE of New Jersey. By general average throughout the length and breadth of the land, I believe in years gone by the Democratic conscience made good government for this fair land, and I believe that the Democratic conscience can be trusted here to-day to do justice to the people of this land and to advance and glorify the principles of the Democratic Party, which have been ratified and of which Woodrow Wilson to-day is the exponent.

Mr. GALLINGER. That is very beautiful, but it still leaves the Senator from New Jersey in the attitude of being unwilling to appoint a man to office who is not a Democrat. And yet the Senator wants the best interests of the Government subserved.

Mr. MARTINE of New Jersey. I might take you in a pinch, but I venture to say I will be as liberal as the Senator from New Hampshire.

Mr. GALLINGER. Oh, no.

Mr. MARTINE of New Jersey. Tell me how many Democrats, dyed-in-the-wool, real, genuine Democrats, not make-believe ones, the Senator has been the means of installing.

Mr. GALLINGER. I have recommended the appointment of quite a number to positions to which I thought they were entitled.

Mr. MARTINE of New Jersey. It would be ungenerous not to take the Senator's word for that. I will have to take his word for it.

Mr. BRISTOW. Mr. President, the Senator from Indiana [Mr. SHIVELY] undertook to create the impression, as I infer from what he has said, that the covering of Federal employees into the civil service by Executive order has resulted in hundreds of thousands of Republicans being now in the service who would not be there if the civil-service law had been properly administered. The Senator from Indiana ought to know that it has been the custom of the Presidents for a generation, at least since the civil-service law was enacted, to extend it. Provision was made in the law for its extension by Executive order.

Mr. GALLINGER. In a separate law.

Mr. BRISTOW. And when it is extended by Executive order it covers all those who are then employed and are affected by the order. Mr. Cleveland, when he was President, extended it very largely, and his example has been followed by the Presidents who have succeeded him. In one order issued a few months before Mr. Cleveland retired from the Presidency, he covered into the service thousands of men who had been appointed upon political recommendation without examination. I do not complain of that; that was the method that was established by the Congress for extending the civil service. Other Presidents who have followed him have extended the law and covered in members of their own political parties. To endeavor to create the impression by remarks here that the civil service had been made partisan is an unjust reflection upon the Executives of the past, as well as upon the administration of the Civil Service Commission.

Mr. JAMES. I should like to ask the Senator from Kansas if he can state the exact date when President Taft covered into the civil service about 30,000 fourth-class postmasters?

Mr. BRISTOW. I do not care to state the date he did it.

Mr. JAMES. Does the Senator approve it?

Mr. BRISTOW. Of course, I approve it.

Mr. JAMES. Does he approve the covering in of all the fourth-class postmasters throughout the Southern States who robbed Roosevelt of the Republican nomination for President?

Mr. BRISTOW. That has nothing to do with this question before us now.

Mr. JAMES. That is a fact, nevertheless.

Mr. BRISTOW. I do not care whether it is a fact or not. What has that got to do with the civil-service provision we are discussing?

Mr. JAMES. I know the Senator does not care whether or not it is a fact. That is the reason I brought it out.

Mr. OVERMAN. Can the Senator from Kansas tell me, when Mr. Cleveland went out of office and his successor came in, how many thousand who had been covered into the civil service by Mr. Cleveland were turned out of office by his successor?

Mr. BRISTOW. Very few.

Mr. OVERMAN. Were there any?

Mr. BRISTOW. Yes; I think there were some.

Mr. OVERMAN. I am here to tell the Senator that I believe there were hundreds of them.

Mr. BRISTOW. Oh, no; not that many.

Mr. OVERMAN. I know of one case of my own knowledge, where I saw an affidavit of the chairman of the Republican

national committee, which has been placed on file, setting forth the fact that a certain man in my State was turned out of office after he had been covered into the civil service simply and solely because he was a Democrat. It was done in that case and it was done in thousands of other cases.

Mr. BRISTOW. Well, "thousands" are too many.

Mr. OVERMAN. Well, hundreds.

Mr. BRISTOW. "Thousands" are too many. I will not say that on the incoming of the McKinley administration men were not removed occasionally for political purposes who should not have been removed; I think a few of them were, but not many. I think also that a number were removed for cause who convinced their political friends that they were removed for political purposes, when in fact they were removed for inefficiency or for malfeasance in office. It is a familiar practice when any Federal employee gets into trouble to attribute that trouble to political reasons instead of to the real reasons. That occurs under all administrations.

So far as the civil service is concerned, I believe that, with few exceptions, during the last 25 years it has been administered honestly and efficiently. I believe that there should be some changes in the law. The extension of the civil service has been brought about by the executive department in the face of hostility on the part of the Congress, because Congress has not been friendly to civil-service reform. Its extension has been in the face of pronounced opposition time after time by Congress. I want to say that I think we have made greater progress by giving the Executive the power to extend it than we would have made if that authority had been reserved to Congress itself, because the Executive realizes the necessity of having men to perform the clerical work of this great Government who are not controlled by political motives, but who are selected because of their competency, irrespective of their political affiliations.

Mr. JAMES. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Kentucky?

Mr. BRISTOW. I do.

Mr. JAMES. I should like to ask the Senator from Kansas what he thinks would have been the effect of the issuance of an order by President Taft covering into the civil service 30,000 fourth-class postmasters if that order had been issued before the last Republican national convention was held in Chicago?

Mr. BRISTOW. I do not know what might have been the effect of it. If the Senator from Kentucky has any fault with President Taft because he used the civil service to promote his political fortunes, I am not going to hold a controversy with him in regard to that. I do not believe that the last administration was as careful to obey the spirit of the civil-service law as it should have been; that is my judgment.

Mr. JAMES. But the Senator from Kansas told me a moment ago, when I inquired as to how many of those postmasters had participated in the wholesale robbery of Theodore Roosevelt in the Chicago convention, that that made no difference. Now, I am pointing out to the Senator from Kansas that President Taft served the people of the United States for a little more than three and a half years as President, and that he never did put those postmasters under civil-service protection until after his fight for the nomination for the Presidency was over and he saw in front of him overwhelming defeat.

Mr. BRISTOW. As to what may have been President Taft's motive I do not propose now to inquire. It may have been as worthy as the motive of the Senator from Kentucky or my own motive in any act that he or I may have performed, and it may not have been; but if President Taft did cover into the civil service the fourth-class postmasters of the country he did a good thing, and I am not at all in sympathy with the subterfuge that has been resorted to by this administration to destroy the effect of that order.

Mr. JAMES. And the Senator approves that order, notwithstanding the fact that it was issued without having any examination whatever to test the qualifications of the respective postmasters?

Mr. BRISTOW. Those postmasters had served the United States Government in the capacity of postmasters. If they are not competent, they should be removed by this administration now. It has the authority to remove any man from the service who is incompetent, whether he is in the civil service or not. When those postmasters by their experience, by actual service, have demonstrated that they are qualified to conduct the affairs of their offices in a creditable way, they are entitled to stay there so long as they shall satisfactorily perform the duties of their office. If they are not efficient, if their service is not properly rendered, if their experience demonstrates that fact to the present administration, they should be removed for that cause.

Mr. JAMES. So that, if I understand the Senator from Kansas correctly, the ideal civil-service system is one that does not accord to all the people the right of competition for the place under proper examination, but appoints them as Republicans and solely on account of their politics and then covers them under the protecting wing of the civil service without requiring any examination at all. That was what was done in the case to which I have referred.

Mr. BRISTOW. An examination——

Mr. WEEKS. Mr. President——

Mr. BRISTOW. If the Senator from Massachusetts will pardon me for just a moment, an examination is held for the purpose of determining the fitness of the applicant for the office which he seeks. If a man is in office and is performing the duties of the office, then it is easy to determine whether he is competent, because he has a record to show that fact, and an examination is not necessary.

Mr. JAMES. I agree that is the case ordinarily, and, of course, we are going to make a thorough examination into the qualifications of these various officials; but I doubt not that, after we do that and find many of them disqualified, as I have no doubt we will, the Senator from Kansas will be quite vehement in declaring when we remove them that we are doing it all for partisan purposes.

Mr. BRISTOW. Oh, well, the Senator from Kansas may or may not; it depends upon whether he would be justified in making such a declaration. The Senator says that they are going to determine the qualifications of these men by examination; and yet the very amendment which we have been discussing all the afternoon declares that they shall not be examined to determine as to their qualifications, but shall be appointed independent of any civil-service law.

Mr. JAMES. Let me ask the Senator another question. Does not the Senator admit, if the spirit of the civil-service law is to be actually carried out in justice to all men, without regard to politics, that instead of covering in a blanket fashion all of these officeholders into the protection of the civil service it would have been better, fairer, and more nonpartisan to have allowed examinations to have been held, so as to ascertain whether or not they might have found some straggling Democrats down in Kentucky who had at least enough wisdom to perform the duties of these offices?

Mr. BRISTOW. Let me ask the Senator if he believes when a man is in office performing the duties of the office it is necessary to hold an examination to find out whether or not he is properly attending to those duties? You may examine the record he has made, with a view of determining whether he is efficient, but if he is in office and performing its duties, to give him an examination to determine whether or not he is competent to fill the office is simply ridiculous.

Mr. JAMES. He did not get that office under civil-service rules.

Mr. BRISTOW. Of course he did not——

Mr. JAMES. He got it from his party as a reward, doubtless, for party service; and all at once you discovered that it is necessary to extend the protection of the civil service to him on the eve of Democratic success.

Mr. BRISTOW. Does not the Senator from Kentucky know that that has been the method in vogue heretofore? Did not President Cleveland, a Democratic President, do exactly the same thing?

Mr. JAMES. President Cleveland did not do exactly the same thing, nor anything like it.

Mr. BRISTOW. Did he not extend the civil service system and cover in men who had not taken an examination to determine their fitness before they were appointed?

Mr. JAMES. No other President of the United States ever did the same thing. President Taft stands to-day lonely, with the absolute distinction of being the only President who ever did, in front of impending defeat and for the purpose of covering under protection his own partisans, extend the civil service system.

Mr. BRISTOW. The Senator is simply not informed; that is all. If he will look up the record of his own party under the administration of President Cleveland, he will see that that President did exactly the same thing. I am not complaining of it. We have got to extend the civil service, and I do not know a better way than the one which has been employed. It has not been a partisan question. The same method which President Cleveland followed was followed by McKinley, Roosevelt, and Taft, and will be followed by President Wilson, if he lives out the term of his office.

Mr. WEEKS. Mr. President, I hardly think the Senator from Kentucky [Mr. JAMES] is justified in the inference he has

drawn about the motive which governed President Taft in extending the civil-service system to fourth-class postmasters; that is, that it would affect his election. I should like to remind the Senator that fourth-class postmasters in the Northern and Eastern States—that is, north of the Ohio and east of the Mississippi River—had been under the civil-service law for several years, and the extension which President Taft made only applied to postmasters of a section of the country where there could be little or no possibility of his receiving an electoral vote.

Furthermore, Mr. President, I want to remind the Senator from Kentucky that President Cleveland in the last days of his first administration covered the whole Railway Mail Service into the civil service without any examination whatever.

Mr. SHIVELY. Mr. President——

The VICE PRESIDENT. The Senator from Indiana.

Mr. SHIVELY. The Senate should be reminded also that President Cleveland's successor revoked the order, dismissed large numbers without cause other than politics, refilled the service with partisans without examinations, and then restored the order. But this was not the purpose for which I rose. Rather have I risen to remind the Senate that the pending legislation is not without precedent that might be regarded as respectable on the other side of the Chamber. I invite attention to page 218 of the United States Statutes at Large for the Fifty-ninth Congress, and to section 3 of the act there set forth and entitled "An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials." That act was passed by a Congress Republican in both branches.

Mr. BRISTOW. Mr. President, that has been referred to here this afternoon.

Mr. SHIVELY. Just wait a moment——

Mr. BRISTOW. It has been read here this afternoon, I presume in the Senator's absence.

Mr. SHIVELY. It has been referred to, but not read.

Mr. BRISTOW. I do not care what the language was——

Mr. SHIVELY. But I do, and now the Senator will suspend until I yield to him.

Mr. BRISTOW. I will be very glad to do so.

The VICE PRESIDENT. The Senator from Indiana declines to yield.

Mr. SHIVELY. The act the title of which I have read was approved June 7, 1906. Senators who are shocked by the language of the pending amendment are invited to compare it with the language of that act. The concluding clause of section 3 of that act reads as follows:

> For a period of two years from and after the passage of this act the force authorized by this section of this act shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January 16, 1883, and amendments thereof, and with such compensation as the Commissioner of Internal Revenue may fix, with the approval of the Secretary of the Treasury.

Mr. SMITH of Arizona. Has the Senator stated who was President then?

Mr. SHIVELY. I have not. Of course, Theodore Roosevelt was President at the time, and approved the act. He had been training for years with the school of politicians, or statesmen, if preferred, who professed stout allegiance to the cause of civil-service reform. He himself had been a member of the United States Civil Service Commission. I am not appraising the wisdom of that act; it may not have been wise in all respects. But the words of the pending bill on the subject under controversy are precisely the words of that act. I assume there were exceptional reasons then, as there are now. Yet, Senators on the other side of the Chamber profess to see something novel and startling in a provision which after due consideration was deliberately incorporated in the act of 1906.

Mr. JAMES. Mr. President, the Senator from Massachusetts [Mr. WEEKS] entirely misunderstood the statement I made in regard to President Taft. I never suggested that President Taft had covered fourth-class postmasters into the civil service upon the idea or with the hope that it would aid him to secure a single electoral vote in the final election. I am very well aware that President Taft knew before the November election that he was defeated. What I did say was that the Southern States, where the postmasters have been appointed without regard to the civil service, was the field of contest between President Taft and ex-President Roosevelt for the Republican nomination. If President Taft had covered the postmasters into the civil service before that contest, then there might have been some suggestion here that it was entirely for the good of the service, but I have my own opinion about why he covered those postmasters under the protection of the civil service after the Chicago convention was held, and my opinion is that he did it because these men had been his friends and had helped him to secure that nomination. It was charged in Chicago—and they had affidavits to sustain the charge—that the postmasters in the Southern States took charge of the polls at the delegate elections and carried those States for President Taft. The point I make is this: These men, guilty as Roosevelt himself charged them and as many people believed, who had robbed Roosevelt of a nomination and participated in politics to that extent, were covered into the civil service by a blanket order—30,000 of them—without any examination being held or any investigation being made as to their participation in politics. This was done, in my judgment, as a reward for partisan work of the most reprehensible character, and was not for the good of the public service and does not meet the approval of the American people.

Mr. BRISTOW. Mr. President, so far as concerns the law relating to denatured alcohol which the Senator from Indiana read, I do not approve the provision in that law any more than I approve this. I suppose the same motive was behind that exemption that is behind this—that is, to exempt the appointments from the civil service so as to make them matters of political patronage.

The fact that that was done under President Roosevelt's administration is no reflection upon him. It is true that he might have vetoed the bill. President Wilson might veto this bill. Judging from his declarations in the past, I do not believe that he believes in any such provision as the one that is incorporated here. If the majority in this Chamber believed President Wilson was in favor of the spoils system, they would not make it mandatory in the law that he should not use the Civil Service Commission and the civil-service law in filling these places. They would leave it discretionary with him. He has the power now to exempt these appointments from the civil-service law if he cares to do so. But no; it is not left to his judgment or his discretion; and it would be just as fair to denounce him in the future because he signed the bill containing this provision or this amendment as it would be to denounce President Roosevelt because he approved a bill that had a similar provision in it.

That method of argument is one that has been resorted to a great deal during the consideration of this bill. The fact that something was done a few years ago by a Republican Congress and a Republican administration seems to justify doing the same thing now; and time and again that argument has been brought up as the reason why something has been done that has met criticism from some Members of this body.

Mr. WILLIAMS. Mr. President, can we not have a vote?

Mr. BRISTOW. As to the opinion of the Senator from Kentucky with regard to the motives of President Taft, I have no interest in that matter now. They may have been worthy, and they may have been unworthy. The Senator from Kentucky may be right as to his motives. I am not going to discuss that question with the Senator from Kentucky. But if he extended the civil-service law so as to take out of politics the fourth-class postmasters, the result of that order, if it were permitted to stand, would be good for the administration of our postal affairs.

Mr. POMERENE. Mr. President, in view of the discussion that has taken place on the subject of the civil service, it seems to me it may not be out of place to give a few figures relating to the number of men who were covered into the civil service under the several administrations. An examination of the record shows the growth of the competitive classified service by various Executive orders.

Under President Arthur there were covered into the civil service 15,573 places.

Under President Cleveland's first administration there were placed under the civil service, by Executive order, 11,757 places.

Under President Harrison's administration there were placed under the civil service, by Executive order, 15,598 places.

Under President Cleveland's second administration there were placed under the civil service, by Executive order, 38,961 places.

Under President McKinley's administration there were placed under the civil service, by Executive order, 3,261 places.

Under President Roosevelt's administration there were placed under the civil service, by Executive order, 34,766 places.

Under President Taft's administration there were placed under the civil service, by Executive order, 41,559 places.

I have not been in the city of Washington very long, but I have been here long enough to justify the statement that the civil service is a very much more beautiful thing in profession than it has been in practice.

It seems to me—and this remark applies as well to past Democratic administrations as to Republican administrations—that if these Executive orders had been issued at the beginning

instead of at the end of the different administrations we could have more confidence in the good faith of the orders. It does seem to me that the American public is justified in having some suspicion with regard to the good faith which has actuated the making of these orders when we bear in mind that the places have been filled by the spoils system, and after they had been filled under the operation of the spoils system they have been covered with the cloak of civil service. That is not the kind of civil service in which I believe, and I am a believer in honest civil-service reform.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. POMERENE. I do.

Mr. NORRIS. While I agree most fully with the Senator, at least in all but the last remark he has made, I wish to suggest to him that these various Presidents, both Republican and Democratic, found these offices already filled with spoilsmen. I would have had more faith in their good faith if they had done as the Senator says, and had covered them in at the beginning of their administrations. But in fairness it seems to me we ought to say as to all of them that the only difference was that they put their spoilsmen in at one time, when if they had done it before they would have put in spoilsmen of a different political faith. They would have been spoilsmen anyway.

Mr. POMERENE. Mr. President, I think an examination of the record will show that most of these orders were made near the ends of the administrations. I am not complaining of one party more than another in this matter. I am simply adverting to the system as it exists and as it has been administered.

I have had occasion to make some inquiry. I think it will be found in many of the departments, at least, that there are about nine Republicans to one Democrat. I think it will be further found that on the eligible lists, from which these places are filled, about nine out of ten of the persons are Republicans. I am not willing to admit that the intellectual qualities of the Republicans who apply for examination are so far superior to those of the Democrats who apply for admission to the official service of the country as to justify this disparity.

All this I say as reflecting the difference between the two propositions, namely: Is it right to extend the civil-service system by Executive order and wrong to extend it by legislative act? If we must condemn the one, why not condemn both?

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from North Dakota [Mr. MCCUMBER] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. CUMMINS. I offer an amendment to follow the word "appointment," in line 12, page 209.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 209, line 12, after the word "appointment," it is proposed to insert:

Provided further, That the persons so appointed without the examination required by the said act approved January 16, 1883, and acts amendatory thereof, shall not be covered into the regular classified service without competitive examination.

Mr. CUMMINS. Mr. President, I shall occupy but a moment.

During the last hour we have heard a great deal with respect to the wrongdoing in the past. That is water over the dam. It can not be recovered. But we can care for the future.

The bill, as it has been already approved by the Democratic majority, annihilates the civil service so far as these offices are concerned—offices that are already within the scope of the classified service, and which would be filled from the classified lists were it not for the bill about to be passed.

I have nothing further to say about that innovation upon the service. But I do propose in this amendment that the persons appointed under the authority here conferred, inasmuch as they are not to bear the burden of a competitive examination, shall not be clothed with the immunities and the privileges which the law confers upon those who have passed a competitive examination. I propose to allow them to stand separate and apart from the other persons in the service, so that no Executive can cover them into the service and give them without examination the protection which the civil-service law confers.

I have much sympathy with the observation made by the Senator from Kentucky [Mr. JAMES]. If he is right respecting that criticism he will vote for this amendment, which will prevent these persons being covered into the service in the future without the competitive examination.

Mr. POINDEXTER. Mr. President, I do not desire to delay a vote upon this amendment except long enough to express my approval of the amendment offered by the Senator from Iowa, and to say that it seems to me, carrying out the spirit of the proper civil service, that the Executive order covering—I use that word as it is in common use—into the civil service certain offices ought to apply to the offices themselves, and not to the incumbents that are in the offices at the time the order is made.

In what he has said about the abuse of a great principle like the civil service, the Senator from Kentucky [Mr. JAMES] is undoubtedly correct, and he might have said a great deal more. In my judgment, the motive of the President at that time in applying the civil-service rules to all the fourth-class postmasters then in office was so bad that it was disreputable.

There ought to be such a system in practice in putting into the civil service different officers of the Government as would make an act of that kind impossible and prevent its recurrence in the future. It ought to refer to future appointments to offices. Take postmasters, for example. If President Taft had made an order that hereafter all appointments of fourth-class postmasters should be subject to the civil-service rules it would have been fair to the Republican Party and to the Democratic Party and would not have been used under the guise of applying a great principle in the interest of good government to prostitute it to partisan politics of the worst description.

I think the amendment of the Senator from Iowa would tend to bring about that sort of administration.

The VICE PRESIDENT. The question is upon agreeing to the amendment of the Senator from Iowa [Mr. CUMMINS] to the amendment of the committee.

Mr. CUMMINS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I will transfer my pair with the junior Senator from Maryland [Mr. JACKSON] to the Senator from Virginia [Mr. MARTIN] and vote. I vote "nay."

Mr. GALLINGER (when his name was called). I transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the junior Senator from Maine [Mr. BURLEIGH] and vote. I vote "yea."

Mr. KERN (when his name was called). Announcing my pair with the Senator from Kentucky [Mr. BRADLEY], I withhold my vote.

Mr. MCCUMBER (when his name was called). I transfer my pair with the senior Senator from Nevada [Mr. NEWLANDS] to the Senator from New Mexico [Mr. FALL] and vote "yea."

Mr. THOMAS (when his name was called). I make the same transfer as before and vote "nay."

The roll call was concluded.

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I am paired with that Senator and withhold my vote.

Mr. BRYAN. I am paired with the junior Senator from Michigan [Mr. TOWNSEND]. In his absence, I withhold my vote.

Mr. WILLIAMS (after having voted in the negative). I forgot again. I want to withdraw my vote. I am paired with the Senator from Pennsylvania [Mr. PENROSE].

Mr. GALLINGER. I desire to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Texas [Mr. CULBERSON]; that the Senator from Rhode Island [Mr. LIPPITT] is paired with the Senator from Tennessee [Mr. LEA]; that the Senator from Wisconsin [Mr. STEPHENSON] is paired with the Senator from South Carolina [Mr. TILLMAN]; and that the Senator from Michigan [Mr. TOWNSEND] is paired with the Senator from Florida [Mr. BRYAN].

The result was announced—yeas 27, nays 35, as follows:

YEAS—27.

Brady	Crawford	McCumber	Root
Brandegee	Cummins	Nelson	Sherman
Bristow	Gallinger	Norris	Smoot
Catron	Jones	Oliver	Sterling
Clapp	Kenyon	Page	Warren
Clark, Wyo.	La Follette	Perkins	Weeks
Colt	Lodge	Poindexter	

NAYS—35

Ashurst	Johnson	Robinson	Smith, Md.
Bacon	Lane	Saulsbury	Smith, S. C.
Bankhead	Martine, N. J.	Shafroth	Stone
Chamberlain	Overman	Sheppard	Swanson
Chilton	Owen	Shields	Thomas
Fletcher	Pittman	Shively	Thompson
Hollis	Pomerene	Simmons	Vardaman
Hughes	Ransdell	Smith, Ariz.	Walsh
James	Reed	Smith, Ga.	

NOT VOTING—33.

Borah	Fall	Lippitt	Sutherland
Bradley	Goff	McLean	Thornton
Bryan	Gore	Martin, Va.	Tillman
Burleigh	Gronna	Myers	Townsend
Burton	Hitchcock	Newlands	Williams
Clarke, Ark.	Jackson	O'Gorman	Works
Culberson	Kern	Penrose	
Dillingham	Lea	Smith, Mich.	
du Pont	Lewis	Stephenson	

So Mr. CUMMINS's amendment to the amendment of the committee was rejected.

The VICE PRESIDENT. The question recurs on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. SIMMONS. The hour of 6 o'clock having arrived, the bill may now be laid aside.

Mr. NORRIS. If I may have the attention of the Senator, I understand that we have finished the income-tax provision.

Mr. SIMMONS. Yes.

Mr. NORRIS. At this point I have an amendment that I want to offer, because the Senator from Washington [Mr. JONES] has an amendment on the same subject and he is not ready to discuss it. I would like to have it go over until the other amendments that have gone over are taken up, if that course is satisfactory.

Mr. SIMMONS. Is it an amendment to the income-tax section?

Mr. NORRIS. Yes; it is an amendment providing for an inheritance tax, and it comes in properly at this point.

Mr. SIMMONS. I think it has been understood that we would go back for the purpose of an amendment any Senator desired to offer.

Mr. NORRIS. Several amendments have gone over, and the Senator from Washington, who has also an amendment on the same subject, desires that this may go over, to be taken up when the other amendments that have been put over are taken up.

Mr. SIMMONS. The Senator might offer the amendment at any time, I understand.

Mr. WILLIAMS. If the Senator please, does he want to offer an amendment to our Federal inheritance tax?

Mr. NORRIS. No; the amendment that I offer will be in the way of an inheritance tax, but it comes right after the income-tax provision of the bill. It comes in right now.

Mr. WILLIAMS. Does the Senator desire to repeal the present inheritance tax and substitute a new one for it?

Mr. NORRIS. I was not aware that we have an inheritance tax.

Mr. WILLIAMS. Yes; we have an inheritance tax.

Mr. NORRIS. I have gone on the theory that we have not an inheritance tax.

Mr. WILLIAMS. Yes; it depends on how much the inheritance is.

Mr. SIMMONS. If the Senator from Nebraska does not desire to offer his amendment now, he can probably offer it to-morrow.

Mr. NORRIS. I thought, perhaps, it would be well to offer it now and let it be pending with the other amendments.

Mr. WILLIAMS. I would advise the Senator to consult the present law before offering it. It may be that he will find he has what he wishes on the statute book.

Mr. NORRIS. I am obliged to the Senator for the suggestion.

Mr. JONES. I should like to ask the Senator from Mississippi when the inheritance law was passed?

Mr. WILLIAMS. It was passed, I think, in connection with the corporation tax.

Mr. JONES. I think the Senator is mistaken.

Mr. SIMMONS. I think the Senator from Mississippi is mistaken about it. I do not think we have an inheritance tax.

Mr. GALLINGER. Mr. President, the regular order.

Mr. NORRIS. If it is agreeable to the Senator from North Carolina, I will offer the amendment now and let it be pending.

The VICE PRESIDENT. The Senator from Nebraska has a perfect right to offer the amendment now or at any other time.

Mr. NORRIS. I presume I have a right to offer it now and have it taken up now, but I do not want to do that.

Mr. JONES. I wish to suggest to the Senator from Nebraska that it might be well to have the amendment printed in the RECORD.

Mr. SIMMONS. The Senator can offer it now if he wants and it can go over, but the Senator can offer it at some later time.

Mr. NORRIS. I will offer it now and let it go over. I do not think it is necessary to have it read. It is quite long, and I will not ask that it be read.

Mr. SIMMONS. It is not necessary to have it read.

The VICE PRESIDENT. The amendment submitted by the Senator from Nebraska will be printed and lie on the table. The bill will be temporarily laid aside.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Saturday, August 30, 1913, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 29, 1913.

UNITED STATES MARSHAL.

F. R. Brenneman, of Alaska, to be United States marshal for the District of Alaska, division No. 3, vice Harvey P. Sullivan, whose term has expired.

RECEIVER OF PUBLIC MONEYS.

Joseph E. Terrell, of Hobart, Okla., to be receiver of public moneys at Woodward, Okla., vice Charles C. Hoag; term expired May 22, 1913.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Lieut. Col. Isaac N. Lewis, Coast Artillery Corps, to be colonel from August 27, 1913, vice Col. John P. Wisser, who accepted an appointment as brigadier general on that date.

Maj. John P Hains, Coast Artillery Corps, to be lieutenant colonel from August 27, 1913, vice Lieut. Col. Isaac N. Lewis, promoted.

Capt. Robert E. Wyllie, Coast Artillery Corps, to be major from August 27, 1913, vice Maj. John P. Hains, promoted.

First Lieut. James B. Dillard, Coast Artillery Corps (detailed captain in the Ordnance Department), to be captain from August 27, 1913, vice Capt. Robert E. Wyllie, promoted.

First Lieut. James K. Crain, Coast Artillery Corps, to be captain from August 27, 1913, vice Capt. James B. Dillard, whose detail in the Ordnance Department is continued from July 1, 1911.

INFANTRY ARM.

Lieut. Col. Daniel L. Howell, Nineteenth Infantry, to be colonel from August 27, 1913. Under the provisions of an act of Congress approved March 3, 1911, this officer is named for advancement in grade in accordance with the rank he would have been entitled to hold had promotion been lineal throughout his arm since the date of his entry into the arm to which he permanently belongs.

Lieut. Col. Walter K. Wright, Twelfth Infantry, to be colonel from August 27, 1913, vice Col. Thomas F. Davis, Eighteenth Infantry, who accepted an appointment as brigadier general on that date.

Maj. Abraham P. Buffington, Twenty-first Infantry, to be lieutenant colonel from August 27, 1913, vice Lieut. Col. Walter K. Wright, Twelfth Infantry, promoted.

Capt. Joseph C. Castner, Fourteenth Infantry, to be major from August 27, 1913, vice Maj. Abraham P. Buffington, Twenty-first Infantry, promoted.

First Lieut. Elverton E. Fuller, Twelfth Infantry, to be captain from August 27, 1913, vice Capt. Joseph C. Castner, Fourteenth Infantry, promoted.

Second Lieut. Alvin G. Gutensohn, Twenty-seventh Infantry, to be first lieutenant from August 27, 1913, vice First Lieut. Elverton E. Fuller, Twelfth Infantry, promoted.

PROMOTIONS IN THE NAVY.

Midshipman Neil H. Geisenhoff to be an ensign in the Navy from the 7th day of June, 1913.

Midshipman Rawson J. Valentine to be an ensign in the Navy from the 7th day of June, 1913.

POSTMASTERS.

ALABAMA.

J. T. Farmer to be postmaster at Samson, Ala., in place of A. W. Hawke. Incumbent's commission expired December 16, 1912.

Mollie P. Henderson to be postmaster at Enterprise, Ala., in place of James A. Chambliss. Incumbent's commission expired December 16, 1912.

H. O. Sparks to be postmaster at Boaz, Ala., in place of Joe R. McCleskey, removed.

CALIFORNIA.

Warren A. Bradley to be postmaster at Gustine, Cal. Office became presidential July 1, 1913.

Byron Q. R. Canon to be postmaster at La Mesa, Cal., in place of Robert K. Haines, resigned.

James F. Monroe to be postmaster at Upland, Cal., in place of George B. Hayden, removed.

CONNECTICUT.

J. Edward Elliott to be postmaster at Central Village, Conn. Office became presidential October 1, 1912.

FLORIDA.

A. Keathley to be postmaster at Brooksville, Fla., in place of Charles C. Peck. Incumbent's commission expired January 26, 1913.

M. H. Slone to be postmaster at Plant City, Fla., in place of Charles E. Barnes. Incumbent's commission expired December 17, 1912.

ILLINOIS.

John A. Freeman to be postmaster at Heyworth, Ill., in place of John S. Albin, resigned.

B. L. Greeley to be postmaster at Tremont, Ill., in place of J. H. Sipe, deceased.

Ira W. Metcalf to be postmaster at Momence, Ill., in place of Henry C. Paradis, removed.

L. T. Neff to be postmaster at Illiopolis, Ill., in place of A. P. Bickenbach, removed.

Fred Le Roy to be postmaster at Streator, Ill., in place of John W. Fornof, resigned.

Joseph F. Traband to be postmaster at Lebanon, Ill., in place of William L. Jones, removed.

Henry Werth to be postmaster at Breese, Ill., in place of John Otto Koch, resigned.

INDIANA.

John M. Nelson to be postmaster at Crothersville, Ind., in place of William Goecker, resigned.

IOWA.

Sebastian Dischler to be postmaster at Rock Valley, Iowa, in place of A. W. Hakes. Incumbent's commission expired April 23, 1913.

M. H. Kelly to be postmaster at Waterloo, Iowa, in place of William Robert Law. Incumbent's commission expired May 18, 1913.

J. S. Wildman to be postmaster at Blockton, Iowa, in place of N. O. Hickenlooper, resigned.

KENTUCKY.

J. B. Cray to be postmaster at Millersburg, Ky., in place of U. S. G. Pepper, resigned.

P. A. McIntire to be postmaster at Uniontown, Ky., in place of James W. Thomason, deceased.

MASSACHUSETTS.

John Adams to be postmaster at Provincetown, Mass., in place of Joseph A. West, deceased.

Martin B. Crane to be postmaster at Merrimac, Mass., in place of George E. Ricker. Incumbent's commission expired December 14, 1912.

MICHIGAN.

Frank D. Perkins to be postmaster at Flushing, Mich., in place of M. B. Halliwell, resigned.

William R. Teifer to be postmaster at Trenton, Mich. Office became presidential October 1, 1912.

MISSOURI.

Ross Alexander to be postmaster at Mercer, Mo., in place of Edward Gloshen, resigned.

L. R. Dougherty to be postmaster at Pacific, Mo., in place of Homer Calkins, resigned.

MONTANA.

L. H. Adams to be postmaster at Somers, Mont., in place of George Noffsinger, resigned.

W. H. B. Carter to be postmaster at Polson, Mont., in place of H. W. Douglas, resigned.

NEW JERSEY.

George Deiss, jr., to be postmaster at Bradley Beach, N. J., in place of Charles F. Burney. Incumbent's commission expired December 16, 1912.

Adolphus Landmann to be postmaster at Oradell, N. J., in place of Edmund Maples. Incumbent's commission expired July 23, 1913.

Henry Otto to be postmaster at Egg Harbor City, N. J., in place of Charles Morganweck. Incumbent's commission expired January 26, 1913.

NEW YORK.

E. A. Arnold to be postmaster at Katonah, N. Y., in place of David A. Doyle, deceased.

Leo R. Grover to be postmaster at Silver Springs, N. Y., in place of Albert H. Clark. Incumbent's commission expired February 9, 1913.

William Y. McIntosh to be postmaster at Pleasantville (late Pleasantville Station), N. Y., in place of William H. Marshall, to change name of office.

Hiram E. Safford to be postmaster at Cherry Creek, N. Y., in place of Charles J. Shults, removed.

NORTH DAKOTA.

John Foran to be postmaster at Mandan, N. Dak., in place of William Simpson. Incumbent's commission expired July 20, 1913.

Lydia Gullickson to be postmaster at Goodrich, N. Dak. Office became presidential July 1, 1913.

OHIO.

Wiley K. Miller to be postmaster at Shreve, Ohio, in place of Reno H. Critchfield. Incumbent's commission expired August 5, 1913.

OKLAHOMA.

J. M. Crutchfield to be postmaster at Tulsa, Okla., in place of Walter I. Reneau, removed.

W. H. Davis to be postmaster at Stilwell, Okla., in place of Sid Smith. Incumbent's commission expired June 12, 1913.

M. C. Falkenbury to be postmaster at Miami, Okla., in place of Harland J. Butler. Incumbent's commission expired January 14, 1913.

Walter T. Fears to be postmaster at Eufaula, Okla., in place of Bruce McKinley, resigned.

S. R. Hawks, jr., to be postmaster at Clinton, Okla., in place of Frank Gallop. Incumbent's commission expired January 28, 1913.

W. T. Kniseley to be postmaster at Glencoe, Okla., in place of Poe B. Vandament, resigned.

OREGON.

Esther Evers to be postmaster at Huntington, Oreg., in place of Herbert H. Mack, removed.

SOUTH CAROLINA.

Henry P. Tindal to be postmaster at North, S. C. Office became presidential January 1, 1913.

SOUTH DAKOTA.

Hugh J. McMahon to be postmaster at Philip, S. Dak., in place of A. W. Prewitt. Incumbent's commission expired June 14, 1913.

TEXAS.

T. J. Lilley to be postmaster at Whitewright, Tex., in place of A. H. Davis. Incumbent's commission expired July 20, 1913.

J. W. Whatley to be postmaster at Miami, Tex., in place of Charles S. Seiber, resigned.

WASHINGTON.

George P. Wall to be postmaster at Winlock, Wash., in place of John L. Gruber, resigned.

WEST VIRGINIA.

J. Carl Vance to be postmaster at Clarksburg, W. Va., in place of Sherman C. Denham, removed.

WISCONSIN.

J. P. Keating to be postmaster at Neenah, Wis., in place of Leonard H. Kimball, deceased.

George F. Mader to be postmaster at Winneconne, Wis., in place of George E. King. Incumbent's commission expired December 14, 1912.

Fred Seifert to be postmaster at Jefferson, Wis., in place of George J. Kispert, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 29, 1913.

MEMBERS OF EXCISE BOARD FOR THE DISTRICT OF COLUMBIA.

Henry S. Baker to be a member of the Excise Board for the District of Columbia.

Robert G. Smith to be a member of the Excise Board for the District of Columbia.

Joseph C. Sheehy to be a member of the Excise Board for the District of Columbia.

ASSISTANT SURGEONS IN THE PUBLIC HEALTH SERVICE.

Howard Franklin Smith to be assistant surgeon.

Lon Oliver Weldon to be assistant surgeon.

POSTMASTERS.

MASSACHUSETTS.

Edmund S. Higgins, Lynn.

MINNESOTA.

Emil A. Kurr, Sauk Rapids.
George Lien, Granite Falls.

OHIO.

Charles E. Gain, London.
Stewart D. Hazlett, Ada.
Adam H. Meeker, Greenville.

OKLAHOMA.

J. L. Avery, Lindsay.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August 29, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, with whom there is no variableness, neither shadow of turning; the same yesterday, to-day, and forever; help us as we thus pause amid the busy whirl and turmoil of life's activities to fix our thoughts upon the eternal values. "Truth crushed to earth shall rise again." Justice, though long delayed, shall assert itself, and love, the crown of all humanity, shall at last claim its own. May we be the humble instruments in Thy hands to hasten the day; and we will ascribe all praise to Thee, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Wednesday, August 27, 1913, was read and approved.

DESIGNATION OF SPEAKER PRO TEMPORE.

The SPEAKER. The Chair designates Mr. HAY to preside to-morrow.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1620. An act to provide for representation of the United States at the Fourteenth International Congress on Alcoholism, and for other purposes.

BILLS ON THE PRIVATE CALENDAR.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the House, as in Committee of the Whole House, consider the only two bills on the Private Calendar.

The SPEAKER pro tempore (Mr. HAY). The gentleman from Alabama [Mr. DENT] asks unanimous consent that the House, as in Committee of the Whole House, consider bills on the Private Calendar. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I understand the gentleman only makes that request about two bills.

Mr. DENT. Two bills. There are only two bills on the Private Calendar.

Mr. MANN. There are some other bills ordered reported.

Mr. FINLEY. Mr. Speaker, reserving the right to object, I would like to know the character of these bills.

Mr. DENT. They are simply to authorize the reappointment of two cadets to the Military Academy. They have been there and have been dismissed and want to be reappointed, and will be reappointed by their respective Congressmen.

Mr. FINLEY. On what grounds were they dismissed?

Mr. DENT. One of them had exceeded his demerit record by about nine points. The other failed in only one study by only a small fraction.

Mr. FERRIS. Mr. Speaker, I have no disposition to interfere with the gentleman from Alabama, but the Speaker will remember, and likewise the House, that for several days the San Francisco waterworks bill has been the unfinished business, and I would not want anything to displace it more than these two bills. It is still the unfinished business under the unanimous consent heretofore granted, and with that understanding I have no objection.

Mr. LEVER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama if it is true that at the Military Academy they have a practice of forcing the cadets to testify at the end of the session whether or not they have any knowledge of any hazing having taken place during the session?

Mr. DENT. Mr. Speaker, I am not familiar with the situation and I could not answer the question of the gentleman. I do not know what the practice is there.

Mr. LEVER. The fact was brought to my attention, and I thought perhaps the gentleman might know something about it.

Mr. DENT. It has not been brought to my attention nor to the committee as far as I know.

Mr. LEVER. I have no objection.

The SPEAKER pro tempore. The Chair will state to the gentleman from Oklahoma that this unanimous consent will not interfere with the unanimous consent heretofore adopted. Is there objection? [After a pause.] The Chair hears none.

THOMAS GREEN PEYTON.

The first business on the Private Calendar was Senate joint resolution 52, to authorize the appointment of Thomas Green Peyton as a cadet in the United States Military Academy.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to appoint Thomas Green Peyton a cadet in the United States Military Academy.

The committee amendment was read as follows:

Add after the word "Academy," line 5, page 1, the following:
"*Provided*, That this shall not operate to increase the corps of cadets at said academy as now authorized by law."

Mr. DENT. Mr. Speaker, I ask unanimous consent to amend the resolution by striking out——

The SPEAKER pro tempore. The Chair will state to the gentleman that the vote is first on the committee amendment.

Mr. MANN. I would like to make an inquiry of the gentleman from Alabama. This bill and the other bill which will be next taken up each proposes the appointment of a certain individual as a cadet at West Point; and the committee has reported an amendment in each case providing that it shall not increase the number of cadets. As I understood from the gentleman in private conversation, based upon a letter from the Secretary of War, the only effect of these bills is, first, to waive the age limit and authorize a reinstatement in one case, but that the cadet will still have to be named by a Member of Congress?

Mr. DENT. That is absolutely true. That is the situation.

Mr. MANN. And still be a representative of one of the districts now authorized to have a cadet?

Mr. DENT. That is absolutely the fact.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. DENT] offers an amendment which the Clerk will report.

Mr. DENT. Mr. Speaker, I move to strike out, in line 3, the words "Secretary of War" and insert in lieu thereof the word "President."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 3, by striking out the words "Secretary of War" and inserting in lieu thereof the word "President."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Alabama [Mr. DENT].

The question was taken, and the amendment was agreed to.

The joint resolution as amended was passed.

ADOLPH UNGER.

The SPEAKER pro tempore. The Clerk will report the next resolution.

Mr. GARD. Mr. Speaker, I ask for the consideration of House joint resolution No. 111.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 111) to authorize the reinstatement of Adolph Unger as a cadet in the United States Military Academy.

Resolved, etc., That the President be, and he is hereby, authorized to reinstate Adolph Unger as a cadet in the United States Military Academy.

Also the following committee amendment was read:

After the word "Academy," in line 5, insert the following:
"*Provided*, That nothing in this resolution shall operate to increase the number of cadets now allowed by law at the United States Military Academy."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The joint resolution as amended was passed.

On motion of Mr. DENT, a motion to reconsider the vote by which the several resolutions were agreed to was laid on the table.

HETCH HETCHY.

Mr. FERRIS. Mr. Speaker, under the order of business H. R. 7207 is the regular order, and before moving to go into

the Committee of the Whole I would like to see if we can agree on time for general debate. In order to get the matter before the House I move that the House resolve itself into the Committee of the Whole, and I ask unanimous consent that four hours be allowed for the purpose of general debate, two hours to be controlled by myself and the gentleman from California [Mr. RAKER], who is reporting the bill—I may not be here all the time—and two hours by the gentleman from Wyoming [Mr. MONDELL], who announced two weeks ago he had some views on the subject.

Mr. MONDELL. I think the minority leader should have control of the time on this side.

Mr. MANN. Who is the ranking member?

Mr. FERRIS. The gentleman from Idaho [Mr. FRENCH], in the absence of the gentleman from Wisconsin [Mr. LENROOT], is the ranking member, but, of course, the committee is all for the bill.

Mr. MANN. I think it would be better to proceed without limiting the time at present.

Mr. FERRIS. Well, I do not know as I have any objection to that. I think the gentleman realizes that where we can control debate and get under the five-minute rule it is a little better.

Mr. MANN. I would be very glad, indeed, if the bill could be disposed of, in order that I may go out into the country on Labor Day, but I expect it will take to-morrow anyway, or it may take three hours' time or it may take four hours' time. I will say this, that the gentleman from Iowa [Mr. TOWNER] had expected to address the House in opposition to this bill for one hour. He has been called out of the city and he asks that he may have permission to insert his remarks in the RECORD, and later I hope the request will be granted.

Mr. FERRIS. Mr. Speaker, to dispose of that, I ask unanimous consent that the gentleman from Iowa [Mr. TOWNER] be permitted to extend his remarks in the RECORD. He has asked for time on this bill, but is absent.

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that the gentleman from Iowa [Mr. TOWNER] have permission to extend his remarks in the RECORD on this bill. Is there objection? [After a pause.] The Chair hears none.

Mr. FERRIS. Relying on the suggestion of the gentleman from Illinois [Mr. MANN] I withdraw my request for consent to fix time now, and move, Mr. Speaker, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7207—the Hetch Hetchy bill.

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. FERRIS] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House bill 7207. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7207, with Mr. FOSTER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House bill 7207, which the Clerk will report.

The Clerk read the bill by title, as follows:

A bill (H. R. 7207) granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. MONDELL. Mr. Chairman, of course the bill will be read for amendment under the five-minute rule, so that there will be a reading of the bill at length?

The CHAIRMAN. Certainly. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, the gentleman from Pennsylvania [Mr. KREIDER], who represents in the House the district formerly represented by Mr. Olmsted, lately deceased, is prepared to make a few remarks upon the life and character of Mr. Olmsted for a short time, and the gentleman from Oklahoma [Mr. FERRIS] concedes that he may be given recognition now. I hope the Chair will recognize the gentleman from Pennsylvania [Mr. KREIDER].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KREIDER] is recognized for one hour.

Mr. KREIDER. Mr. Chairman, I do not rise to pay either an adequate or a studied eulogy to our late friend, colleague, and associate, the Hon. Marlin E. Olmsted, who for 16 years served with you in this House and so ably represented the eighteenth, the capital, district of Pennsylvania. Any words of praise I might speak here will fall short of being adequate to measure our affection for the one that has passed on or the loss his countrymen feel, for a mighty man has passed away. But I desire to record a living tribute to his services and to his character on the records of this body.

It is fitting that we should say a few words to commemorate the services of those who have bequeathed to us the legacy of a life spent in devotion to high ideals. The good influence of such a life continues as long as public and private virtues are reverenced among the sons of men.

In every time and in every clime the undying dead have risen and have lived again. Some have lived again in the beaten brass or in the sculptured marble, others in story and song. But, Mr. Chairman, these fleeting tributes may pass with their authors to the oblivious tomb. The beaten brass or sculptured marble may be buried beneath the accumulated dust of ages; they all pursue the paths that lead but to the grave. The brightest and best monuments, those really worth while, are those that are enshrined in the hearts and memories of their friends, associates, and fellow men with the milk of human kindness, purity, consideration, and devotion.

The pyramids are still standing, but their builders are only remembered for the oppression and misery they wrought. Scholars may dispute about the tomb of the Son of Mary, but will anyone deny the beneficence of His influence?

Mr. Chairman, the capital district of Pennsylvania gives praise to the memory of her honored son, and well it may, for the fame of his brilliant career has brought honor to the district he loved and served so well. When the news of his sudden, untimely, and unexpected taking off was flashed across the wires and became generally known, there was genuine sorrow throughout the district. Coming as I do from his district as his succesor, I am perhaps better qualified than any other person to testify to the respect and esteem in which he was held and the confidence of his constituents, a people noted for chivalry, integrity, loyalty, appreciation, and all that goes to constitute character and good citizenship, and I feel that I express their sentiment when I say that in the death of Marlin E. Olmsted the eighteenth congressional district of Pennsylvania, the State of Pennsylvania, and the Nation (for he had become a national figure) have lost a faithful friend, a great leader; a man wise in counsel, strong in action; a doer of great deeds; a constructive statesman.

Marlin Edgar Olmsted was born in Ulysses, Potter County, Pa., on May 21, 1847. He was the son of Henry Jason Olmsted and Evalena Theresa Cushing Olmsted. The Olmsted and Cushing families were among the early settlers of Potter County and always prominent in its affairs. Mr. Olmsted as a boy attended the common schools and later the Coudersport Academy. At the age of 22 years he held his first public office, being elected as auditor of the borough of Coudersport, Pa., in 1869. The same year he was appointed assistant corporation clerk and afterwards corporation clerk in the auditor general's office of Pennsylvania. Later he served in various positions of trust, honor, and responsibility. He studied law, was admitted to the bar, at once rose to a position of prominence, and was soon recognized as one of the most brilliant lawyers in the State and acquired an extensive law practice. He served eight terms—16 years—continuously in Congress, and was active and prominent in most important legislation.

It is, I believe, needless to call attention to his activities in this body nor to the fact that early in his congressional career he became a recognized leading expert in parliamentary law. The House soon learned something of the worth of the man. He never addressed the House until he had mastered his subject, and then from the abundance of his information he was able to instruct. To such a speaker the House always listens. Mr. Olmsted was able to command attention. He might, perhaps, not be called by some a great orator. His style was deliberate, judicial, and convincing; his analysis was clear; his logic unanswerable, and behind the words was the living man—honest, truthful, and sincere. It is to such a speaker that men delight to listen and by whom people are moved by the power of reason.

He was always of the sane and normal type of mind, serene and calm, sure and reliable. He was considerate and courteous, firm in his convictions, and when those convictions found themselves rooted upon principle, unyielding but always open-minded.

He was sympathetic to a degree and rejoiced in service. His life was full of good deeds to others. In his quiet way he was

ever eager and watchful to be of assistance to others, often without their knowledge. Whenever there were grave cries before this House, when there were questions of high moment for decision and wise counsel was required, there was no man to whom the entire House turned with more respect and more confidence than to Mr. Olmsted. His views of life were sweet and wholesome. He was progressive without being radical. He was an optimist, not a pessimist; hopeful, not despondent. He lived as one who did daily his task and left the consequences with God.

On October 26, 1899, he was married to Miss Gertrude Howard, daughter of the late Maj. Conway R. Howard, of Virginia, and they were blessed with five children. His home life was ideal; he was a devoted husband, a kind and loving father. He greatly desired to spend his entire time with his family. The place that was dearest of all to him was his home.

When he retired from this House in March he was broken in health, though he never complained. He was suffering, but gave no sign. He took a trip abroad, hoping to regain his health, but it seemed to fail, and when at last he could hope for no relief except by an operation that was pronounced extremely delicate, he decided to submit. Manly and godly man that he was, preparing for the worst, yet hoping for the best, he arranged his worldly affairs, selected his burial ground, took leave of his dear children and his loving wife, and then, with a living faith in his Saviour and his God and a prayer for his loved ones as his last benediction, he was prepared to leave all to "Him who doeth all things well." It can be truly said of Marlin E. Olmsted that "he was faithful unto death." In our weakness we can not understand why he who seemed so full of life and courage; he whose companionship was so dear to us; he who was so useful to his community; he from whose lips I never heard an unkind expression toward a fellow man, should be called away at this time. Yet some day we shall understand, "for now we see through a glass darkly, but then face to face; now we know in part, but then we shall know even as we are known."

Our sympathy goes out to her who now mourns the loss of a true and devoted husband. Deprived of his counsel, his support, and his love, she sits among the ruins of a broken family circle, and at her lonely fireside, waiting; yes, waiting "for the touch of a vanished hand, and the sound of a voice that is still." We say he is dead. "He is not dead, but sleepeth."

The night dew that falls,
Though in silence it weeps,
Shall brighten with verdure
The grave where he sleeps.

And the tear that we shed,
Though in secret it rolls,
Shall long keep his memory
Green in our souls.

[Applause.]

Mr. FERRIS. Mr. Chairman, I shall at this time detain the committee only a few moments. My colleague on the committee, the gentleman from California [Mr. RAKER], has drawn the report on the bill and will make a more exhaustive statement concerning it than I am prepared to do.

This bill, as the committee knows, is known as the San Francisco Hetch Hetchy waterworks bill. The committee has been convinced by conversations had with Secretary Lane, with city officials of San Francisco, and conversations and hearings had with 11 Members of Congress from California, that the city of San Francisco is suffering from a water famine. About one-third of the city is without water connection, and those connected with the system are not permitted to use any considerable proportion of what they actually need. Notices are running in the papers out there to prohibit the watering of lawns, to prohibit the washing of steps, and generally to curtail the use of water. In fact, the city of San Francisco is not using one-half of the water that the people need. The lawns and the shrubbery and the plants are suffering for want of water.

Secretary Lane appeared before the committee. He used to be city attorney of that city. He explained the situation to us. There is a letter printed in this report which explains that situation. I do not say this with any idea of embarrassing San Francisco, because I believe if this bill can be passed the people of that city can handle the situation. On this point I will insert Secretary Lane's lettter:

LANE URGES ACTION.

[Copy of letter from Hon. Franklin K. Lane, Secretary of the Interior, to Hon. OSCAR W. UNDERWOOD, House of Representatives, which letter was transmitted to Hon. SCOTT FERRIS, chairman Public Lands Committee.]

THE SECRETARY OF THE INTERIOR,
Washington, May 29, 1913.

Hon. OSCAR W. UNDERWOOD,
House of Representatives.

MY DEAR MR. UNDERWOOD: I have been in receipt for some time of communications from San Francisco respecting their water situation. The newspapers and others are keeping it as quiet as possible, but the situation is one of emergency and of actual distress. As you doubtless know there has been pending here for some 10 years or more an application before this department for rights of way which will permit the use of the Hetch Hetchy Valley as a reservoir for San Francisco's water supply.

When I was city attorney for San Francisco I made an argument before Secretary Hitchcock in this matter and have been interested in it ever since. Secretary Fisher just before he went out of office said that the matter was one that should be dealt with by Congress. I was appealed to to revoke this decision, but said that owing to the fact that I had been a constant advocate of such a permit and was one of the attorneys of record in the matter I felt it would be improper for me to act further than to express to Congress my opinion that this was a matter almost vital to San Francisco's growth as well as her present needs.

I am advised to-day that the matter of securing the necessary legislation under which the Tuolumne waters may be used for a municipal water supply can be taken up by Congress as an emergency matter if you will say the word. San Francisco's need is so great that I think such action would be entirely justifiable. There is absolutely no politics in the matter. The president of the Spring Valley Water Co., which now supplies the city, in describing the water supply in that city recently said, "It is doing the city more harm than the earthquake ever did."

I quite realize the pressure that is brought to bear upon you with respect to legislation that Members desire to push at this session. This fact, however, is not to be lost sight of, that a delay as to the Hetch Hetchy water supply now means the postponement for at least a year of securing the relief for San Francisco. There is sufficient data already had for the Land Committee to act upon and there is no question of policy involved affecting anything other than this one proposition.

I hope from these considerations that you will find it practicable to make the exception and permit this proposition to be considered during this session of Congress.

Respectfully, yours, FRANKLIN K. LANE.

This bill grants to them a right of way over a part of the Stanislaus National Forest and part of the Hetch Hetchy Valley, which is 20 miles from the Yosemite National Park. The dam site is 142 miles from the city of San Francisco. The dam will, when completed, be about 300 feet high. It will cost San Francisco about $77,000,000, no part of which is to be paid for by the Federal Government. In return for this grant, or, rather, almost a sale or a condition precedent, the city of San Francisco and San Francisco County agree to construct roads and trails and bridges and improvements which aggregate approximately $1,000,000.

In addition to that, beginning at the end of a five-year period, which it is assumed will be required to construct the dam, San Francisco agrees to pay $15,000 a year for the first 10 years, $20,000 for the second 10 years, and $30,000 annually thereafter until Congress sees fit to change it.

Now, much has been said in opposition both in the press and by correspondents concerning this proposition. Many of you have received circular letters from people who actually believe and in good faith think that this will destroy the park. Now, I desire with such emphasis as I have to deny that it will destroy the park in any sense. On the contrary, I believe it will improve the park. As the matter now stands only rich and well-to-do people can visit the park at all. It is an expensive proposition to journey there. You have to go on burros, pack trains, and so forth, and there is no railroad or street car line that would enable you to go in any other way except by pack train. San Francisco concurs in this bill, and this bill exacts of the people of San Francisco as a condition precedent to build street car lines and roads and trails and railroads, so that the poor can visit the park. The improvement will really make a park in reality of what is now the roughest country God ever made.

In addition to that they must construct roads surrounding this lake, so that the people can go in there and view the scenery in the higher Sierra of California. I said before and I repeat that San Francisco will have to pipe this water 142 miles.

The project has been examined by a board of Army engineers, who say this is the most available supply and the supply that San Francisco ought to have.

The Secretary of the Interior knows the facts and he has recommended the bill both by letter and in person before our committee in the strongest terms.

The committee has moved slowly and cautiously in this matter, because some good people differed with them about it. We had before us the Secretary of Agriculture and examined him upon it. His view was that the bill was a good one, that it ought to be passed, that this dam site ought to be used, and that San Francisco was entitled to it.

I print his letter herewith:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., August 2, 1913.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

DEAR MR. FERRIS: I have before me a copy of the bill, H. R. 7207, approved unanimously by the Committee on the Public Lands, granting to the city and county of San Francisco certain rights of way through the public lands, national forests, and Yosemite National Park. I have

your request that this department make a report thereon and such suggestions as it may see fit to offer.

This bill, H. R. 7207, now before me, does not differ in any essential particular, so far as the matters pertaining to the Department of Agriculture are affected, from the bill which was considered by your committee at the time I testified before it and on which I submitted to you a formal report with the approval of this department. So far as the Department of Agriculture is concerned in this bill, I can see no objection to its passage.

Sincerely, yours, D. F. HOUSTON, *Secretary.*

We had the Chief Forester, Mr. Graves, before us, who has to do with the handling of the national forests, and inasmuch as a part of this pipe line goes across the national forests, we thought he ought to be brought in and consulted about it. He says that with the regulations contained in this bill no part of the forest will be injured, no trees can be cut or devastated; and that San Francisco is entitled to this legislation and ought to have it.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, June 30, 1913.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I wish to acknowledge receipt of your request for a report upon the bill (H. R. 4319) granting to the city and county of San Francisco certain rights of way through the public lands and reservations of the United States. On June 24 the Secretary of Agriculture addressed a letter to you giving the views of this department. The Forest Service participated in the preparation of the Secretary's report, which was designed to represent the agreed policy of the department, including the Forest Service.

Very sincerely, yours, H. S. GRAVES, *Forester.*

I telegraphed to Mr. Pinchot, and some of the other members did likewise, urging him to appear before the committee. Mr. Pinchot is well known to this House and well known to the country. He has given much patriotic attention to conservation questions. Mr. Pinchot came down from Pennsylvania, where he was temporarily, and before our committee in the strongest sort of terms, as the printed hearings show, and as his letter shows, he indorsed this as true conservation. I here present his testimony at the committee hearing:

PINCHOT INDORSES BILL.

[Extracts from statement of Hon. Gifford Pinchot, former Chief Forester, before Public Lands Committee, House of Representatives, June 25, 1913.]

We come now face to face with the perfectly clean question of what is the best use to which this water that flows out of the Sierras can be put. As we all know, there is no use of water that is higher than the domestic use. Then, if there is, as the engineers tell us, no other source of supply that is anything like so reasonably available as this one, if this is the best and within reasonable limits of cost, the only means of supplying San Francisco with water, we come straight to the question of whether the advantage of leaving this valley in a state of nature is greater than the advantage of using it for the benefit of the city of San Francisco.

Now, the fundamental principle of the whole conservation policy is that of use—to take every part of the land and its resources and put it to that use in which it will best serve the most people—and I think there can be no question at all but that in this case we have an instance in which all weighty considerations demand the passage of the bill. * * * The construction of roads, trails, and telephone systems which will follow the passage of this bill will be a very important help in the park and forest reserves. The national forest telephone system and the roads and trails to which this bill will lead will form an important additional help in fighting fire in the forest reserves. As has already been set forth by the two Secretaries, the presence of these additional means of communication will mean that the national forest and the national park will be visited by very large numbers of people who can not visit them now. I think that the men who assert that it is better to leave a piece of natural scenery in its natural condition have rather the better of the argument, and I believe that if we had nothing else to consider than the delight of the few men and women who would yearly go into the Hetch Hetchy Valley then it should be left in its natural condition. But the considerations on the other side of the question, to my mind, are simply overwhelming, and so much so that I have never been able to see that there was any reasonable argument against the use of this water supply by the city of San Francisco, provided the bill was a reasonable bill. * * * The (sanitary) regulations which are required are substantially what ought to be followed by any well-intentioned camper. * * *

Now, some people have had an unusual and extraordinary idea of what conservation is. At times in my life I have had the same feeling about it; but when Mr. Pinchot came on the stand and told the committee that the conservation people believed in the use of our natural resources, I was glad to enlist with him. I have never believed in the form of conservation which purposes to bottle things up, but I do believe in that form of conservation which uses things and puts them to the highest and most beneficial and economic use. I am in favor of making war on graft, monopoly, and waste, but I am in favor of use, progress, and development.

Water in California is almost like gold dust. Every drop of it will have to be used for some purpose sooner or later. I call the attention of the committee to the fact that no higher purpose, no higher use, no higher conservation can ever be practised than furnishing a municipality with clear, pure water to drink and to bathe in. This bill accomplishes this for a heroic people who only ask an opportunity to do for themselves at their own expense what many others would not undertake.

Some gentleman may want to know what are the complications. This valley is just a rough craggy gorge between two mountains, which constitutes a good natural dam site. Below the gorge is the San Joaquin Valley. Some one may ask, "Are you going to do justice to the San Joaquin Valley." The answer is "Yes." The irrigationists were present by two able and patriotic attorneys who knew and preserved their every right.

The city and county of San Francisco are doing justice to the San Joaquin Valley by giving them the entire flow of the river and a part of the flood water with which to irrigate the land. San Francisco and the San Joaquin Valley people came together honorably as men and have aided the committee materially.

The fact is that San Francisco purposes to go out and spend $77,000,000 of her own money to corral the flood water that comes out of the snows and flood waters of the higher Sierra, to impound it in her waterworks system for herself, the irrigationists, and the other cities about her. I contend, and I believe this committee will conclude that there can be no higher form of conservation than to use flood waters for drinking, bathing, and other domestic purposes rather than to let them flow idly, unsubdued, and unattended into the sea.

I do not think there is or will be much opposition to this bill. There is a little up in New England. I think one gentleman from Boston came down and appeared before the committee, and he was of the opinion that it was wrong to construct this dam, because he thought that this gorge ought to be left in its original condition. Well, now, I think that practical, thoughtful men, who really want water put to its highest use, can not agree with him. That gentleman from Boston has visited this park two or three times, at great expense and great inconvenience to himself, and while I do not attack his patriotism or his earnestness, his judgment will not square with any principle of economics known to man. The 11 Members of the California delegation approve this bill, all holding commissions from their people won on the battle field of politics. The Secretary of the Interior approves this bill, and he knows conditions there in California, as he has long been a resident of that State. Gifford Pinchot approves this bill, and he is always careful to safeguard the interests of the Government and those concerned. Mr. Graves, the Chief Forester, approves this bill, and he knows what is safe and unsafe in forestry and park matters. The Army engineers approve this bill, and they are not swayed by politics or partisanship at any time. The irrigation people below the dam approve this bill; they know when their rights are secure. The city of Oakland and the other cities surrounding San Francisco approve this bill, and it will be a blessing and a godsend to them. The only opposition that the committee have been able to find, in two or three months' painstaking investigation, has been that of a few people who believe it is wrong to dam up a gorge and collect the mountain waters that come down from the melting snows and use them for the highest economic purposes. These patriotic, earnest men believe that it is a crime to clip a twig, turn over a rock, or in any way interfere with Nature's task. I should be grieved if I thought practicability should completely drive out of me my love of nature in its crude form, but when it comes to weighing the highest conservation, on one hand, of water for domestic use against the preservation of a rocky, craggy canyon, allowing 200,000,000 gallons of water daily to run idly to the sea, doing no one any good, there is nothing that will appeal to a thoughtful brain of a common-sense, practical man.

I have never feared the judgment of this House when Members can understand what is going on. I do not speak with any disrespect of these people who think that a rugged, jagged gorge is of more importance than a beautiful lake of fresh bathing and drinking water for the people, but I respectfully differ with them. What is more beautiful than a beautiful lake supplying a great and growing city with water to drink and with water to bathe in, and who is there of us that can long contend that a rugged, jagged gorge between two mountains in the Sierras is of more importance, and that it is a crime to convert it into a beautiful lake?

Why, my friends, we have spent $60,000,000 out of the Federal Treasury for irrigation purposes in helping the settlers in the West. I am glad that is so. It has done good and has helped to develop the West, but here comes San Francisco, and her Members of Congress are here ready to vouch for what I say, ready to spend $77,000,000 of their own money, without a penny from the Federal Government in constructing these great improvements, ready to build a million dollars' worth

of roads so that the park may be available not for a few rich but for all the people. In addition to that they are ready to build a dam so that the irrigators can have not only the natural flow but a great deal of the flood waters in addition thereto.

Now, one word further. The Committee on the Public Lands did not move quickly; this bill involves some perplexing questions.

We have brought before us every conceivable authority we could get hold of to justify us in our action. The departments all favor it. They know of its merits and its demerits.

Mr. MANN. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. MANN. It has been said by gentlemen opposed to this bill that the report of the Army board of engineers who came to the city of San Francisco was never furnished to the committee.

Mr. FERRIS. We investigated that very carefully, and we brought the city engineers of San Francisco before us, the city clerk before us; the city clerk is still in town, and we brought the Army board of engineers before us, and they said that they had access at all times to every report, every document, and every species of proof of investigation of any sort. In addition to that the Public Lands Committee now has the identical book or report which was considered by the committee and referred to by a gentleman by the name of Sullivan, who came on and tried to fight this measure because he had a rival system that he wanted to sell to the city of San Francisco. The committee has absolutely exploded that, and there is no truth in it. The hearings disclose that Sullivan was an adventurer in the real estate business, who would like to stir up strife for San Francisco and unload a piece of property of doubtful value on the city when she does not want it and it would not be appropriate or suitable if she did. On this subject I present a letter from Col. John Biddle, of the Army board, who was there and made the investigation.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, July 31, 1913.

MY DEAR MR. KENT: Having reference to your communication of July 21, asking for comment from the board of Army engineers on the testimony of Mr. E. J. Sullivan, representing the Sierra Blue Lakes water project on the Mokelumne River, proof sheets of which testimony were sent by you, the following is submitted by the whole board:

The two main questions raised by Mr. Sullivan appear to be—first, whether San Francisco needs water from the Sierras at all, and second, whether the Mokelumne River is not the best and cheapest source of such a supply.

According to the estimates made by the board, the amount of water now used by the communities surrounding San Francisco Bay is 133,000,000 gallons daily. It is estimated that by the year 2000, 540,000,000 gallons daily will be needed. The board believes that about 100,000,000 gallons daily additional can be economically developed from near-by sources and that for the remainder it will be necessary to go to some outside source, such as the Sierras. The city of San Francisco in its estimates provides for obtaining 400,000,000 gallons daily from the Sierra sources, partly because of the doubt of the city engineers that the near-by sources can be developed to the amount above estimated, and partly because the full amount could be used to advantage. There can be no question, however, but that from 300,000,000 to 400,000,000 gallons daily additional will be needed by the year 2000, and on account of the situation in California, where all of the available water will be eventually used for irrigation or power, it is most desirable for San Francisco and the other cities to establish now their rights.

NO SUPPRESSION OF DATA.

As to the Mokelumne River, it is stated in the testimony of Mr. Sullivan that Gen. G. H. Mendell, Corps of Engineers, reported favorably on the Mokelumne River as a source of supply. This report was dated about 1877, and provided for only 25,000,000 gallons daily, so that, of course, it has no bearing on the present investigation. Mr. Sullivan makes as his principal point the fact that a report by Mr. Bartell, assistant city engineer, in April, 1912, was never submitted to the board of Army engineers, and that if this report had been submitted the conclusion of the board would have been very different. This report was not seen by the board. *The board, however, attaches no importance to this fact. The assistant engineer in the employ of the board, Mr. H. H. Wadsworth, has written that he had several conversations with Mr. Bartell on the subject and was generally familiar with considerable, at least, of the data obtained by him and his deductions therefrom. The main point, however, is that the board itself had such independent examinations and investigations made of the Mokelumne, as well as other streams, as seemed necessary in order for the board to form its opinion on this source of supply. Mr. Bartell's report could not have changed the facts thus ascertained. The report of the chief engineer of the company was in the hands of the board.*

In determining the supply of water that can be obtained from any of the Sierra sources there are two main considerations: First, the amount of water that flows down the stream; and, second, the reservoir capacity for storage of water during the dry seasons of the year, and especially during dry years, which frequently occur in California.

The method of determining the flow of any river, such as the Mokelumne, is to measure the flow at such points and at such times as may be practicable and to have the record of the rainfall from which the run-off may be deduced. The records of rainfall and run-off are not very complete or continuous for any length of time on these Sierra rivers. Some have been made by the State of California, some in recent years by the United States, and others to a certain extent by corporations or individuals. All these records, as far as known, were at the disposal of the board, and the board was therefore able to deduce with as much accuracy as anyone what is the total flow of the Mokelumne.

RESERVOIRS TOO COSTLY AND INFERIOR.

As to the reservoirs, the assistant engineer of the board made personal examinations and reconnoissances of the three principal reservoir sites—namely, North Fork of Mokelumne, Railroad Flat, and Forest Creek—and directed special surveys to be made of the two largest ones by the city of San Francisco, which was done. The board itself inspected one of the two main reservoir sites, the Railroad Flat, for the special reason that the use of this reservoir was considered of doubtful value on account of its cost. One of the reservoirs specially mentioned by Mr. Sullivan is the Blue Lakes. This reservoir is, however, of little value, as the catchment area is only 4½ square miles, and therefore but little water will flow into it.

Furthermore, investigations by the Geological Survey in the last few years have indicated that the reservoir capacity on this watershed outside of the few mentioned is very small. The reservoirs on the Mokelumne are very inferior to those on the Tuolumne. For instance, with a dam somewhat over 300 feet in height, the amount of masonry in the dam at Hetch Hetchy is less than 5 cubic yards for each million gallons stored, while for the main reservoir on the Mokelumne, on the North Fork, it is 23 cubic yards, and that it the Railroad Flat Reservoir but little less. The capacity of the Hetch Hetchy Reservoir with a 300-foot dam is about 120,000,000,000 gallons; that at the North Fork of the Mokelumne, about 28,000,000,000 gallons; the Railroad Flat Reservoir, about 21,500,000,000 gallons. It is therefore very evident that the relative cost of the reservoirs on the Mokelumne River is much greater than at Hetch Hetchy Valley.

The amount of land that could well be irrigated from the Mokelumne and the rights for power and irrigation were obtained by the board after such investigation as was possible and are believed to be correct. As stated, much of this land is not yet irrigated, but the tendency in that part of California is toward irrigation, and it is believed that in time it wil be desired to irrigate much more land than at present. The amount assumed for irrigation is 200,000 acres, less than half of what is allowed for irrigation in the discussion of the supply from the Tuolumne River.

INADEQUATE SUPPLY OF WATER.

The board therefore believes that the estimate of 128,000,000 gallons daily is about all that could be counted on from the Mokelumne River unless the existing water rights be purchased at great expense and unless the land tributary to this river be perpetually deprived of water from this source for irrigation. Even if all the water from the Mokelumne could be used for San Francisco, it would not be sufficient on account of the relatively small reservoir capacity in this watershed and the impossibility of using reservoirs in other watersheds on account of the prohibited expense. In California the floods last but a short time; dry years occur along with the wet ones and large storage possibilities are imperative.

It does not appear from the testimony of Mr. Sullivan just where the large supply he estimates, 350,000,000 to 500,000,000 gallons daily, is to be obtained. It is thought possible that he may make use of some of the water falling on the foothills and lower. This, however, has not been considered allowable in making estimates on any of the supply from the Sierras, for the reason that these foothills are fast becoming more and more thickly inhabited and it was desired to obtain water from a source which lies above ordinary habitation.

ARMY BOARD GOT ITS OWN DATA.

To sum up, there is nothing in the testimony of Mr. Sullivan, and it is believed that there can be nothing in the report of Mr. Bartell, which would affect the conclusions of the board, for the reason, as stated above, that the board obtained, as far as was considered desirable, its own data, excepting that which was of a public nature and therefore available to the board. As to the relative cost of the projects, the report indicates that the Tuolumne supply is much the more economical. The distance over which Mokelumne River water would have to be transported is about the same as for the Tuolumne, and difficulties in construction of aqueduct are about the same, while the cost of the reservoirs is relatively very much greater. For the amount of water that is needed by the bay communities there can be no question but that the Tuolumne supply is more economical than any other and that the Mokelumne can be used only in connection with supplies from other sources, as it is not in itself sufficient.

FULL HEARING GIVEN COMPANY.

It might be added that the board gave to the Sierra Blue Lakes Water & Power Co. on July 5, 1911, a hearing, which was stenographically reported. At this hearing were present Messrs. E. J. Sullivan, president; C. M. Burleson, chief engineer; James N. Gillett and W. H. H. Hart, attorneys for the company. Every opportunity was given them to thoroughly present the project, and in addition, a report on this source of supply prepared by the chief engineer, Mr. C. M. Burleson, was submitted to the board.

Very respectfully,

JOHN BIDDLE,
Colonel, General Staff, Chairman Board of Officers of Corps of Engineers, United States Army.

HON. WILLIAM KENT,
House of Representatives, Washington, D. C.

Mr. MANN. But the gentleman understands that this statement is made by Robert Underwood Johnson, a gentleman of the highest character, a man whom no one would ever accuse of having a personal interest, and also by some other gentlemen, and I think it is due the committee that there be an understanding or explanation if such a report was not presented, and if so, why; and if it was presented, to have the erroneous impression corrected.

Mr. FERRIS. The gentleman is right; Robert Underwood Johnson, in my judgment, is a patriotic and good man. There are three or four rival companies in San Francisco—real estate concerns—trying to sell San Francisco a water supply which San Francisoc does not want. There are various ramifications, and they have through their engineers, who are on a contingent fee in event of sale, stirred up interest among patriotic men who really know nothing of the true conditions.

Mr. COOPER. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. COOPER. As I understand it, if this proposed improvement is completed it will not in anywise affect the appearance of the world-famous Yosemite Valley as commonly understood by that name?

Mr. FERRIS. That is, in my judgment, fully true. The Hetch Hetchy Valley is 20 miles away from the Yosemite Valley. There are 719,000 acres in the Yosemite National Park, and this only floods about 3,000 acres. It really beautifies and improves the park. It does not mar it in the least.

Mr. COOPER. I asked the question of the gentleman from Oklahoma because of what has been said and written to me at different times. The correspondents evidently think that this would in some way seriously injure the beauties of the Yosemite Valley.

Mr. FERRIS. The question is an important one, and a good many good men have been misled about it. They have an idea that a section of the park is going to be destroyed because San Francisco wants to erect a dam 300 feet high in this ragged, jagged, rough place and create a storage dam that only floods about one two-hundredths part of the park. It is all a frenzy and a mistake. This is created sentiment amongst people who do not have time to ascertain the facts.

Mr. COOPER. How far from the Yosemite proper would this proposed lake be?

Mr. FERRIS. Twenty miles away.

Mr. HAYES. Thirty miles.

Mr. FERRIS. Thirty miles, one of the California Members says. I think it is 20 by the map and according to the hearings before the committee.

Mr. TALCOTT of New York. How long will it take to get the water to San Francisco if this bill is passed?

Mr. FERRIS. The engineers estimate four or five years, some longer; and I am glad the gentleman asked that question, because that is important. Some one may say if San Francisco is really in the throes of a water famine, as I have stated and the report states and as Secretary Lane states and the newspapers state, what good will it do to pass this bill. There is an answer, and I think the committee is entitled to it.

In 1910 they voted $45,000,000 in bonds under a permit they had from the Interior Department to go ahead and construct a dam here and use this water. They can not use that $45,000,000 of bonds they voted unless it be in laying mains and starting in on the Hetch Hetchy project, so that a part of that money will be used in laying additional mains, will be used in starting in to develop water they can get for temporary use, and in that way it will relieve them from a temporary water famine. I call attention to it, and I do it with no little feeling in my heart about it, to this disaster that San Francisco went through. We all know that they bravely, courageously, and heroically built that city up almost in a day and a night, and now they have voted bonds and are willing to go out with courage in their hearts, with a true conception of patriotism and statesmanship, to spend $77,000,000, which will be the final sum spent, to develop a waterworks system that will be the glory of the whole Pacific coast. And I want to call attention to the fact that a beautiful, growing, and thriving city like San Francisco ought not to be hampered by an insufficient water supply. They ought not to be crowded and cramped and their progress impeded by an inadequate supply of water.

Mr. MANN. Will the gentleman yield?

Mr. FERRIS. I do.

Mr. MANN. Is it the gentleman's understanding that it is the expectation to get this water for the coming exposition, or for one 100 years from now, out of this system?

Mr. FERRIS. I take it for granted the gentleman is indulging in a little sarcasm——

Mr. MANN. The gentleman says this bill ought to pass to furnish a water supply for the exposition. Does the gentleman mean the water from the Hetch Hetchy Valley?

Mr. FERRIS. I did not quite state it that way and I think I can answer the gentleman so as to satisfy him. I do not think he heard my statement fully. My statement was this, that the engineers say it will take four, probably seven years, to complete this. That, of course, will carry it beyond the exposition period. I said that in 1910 they voted $45,000,000 for that purpose and unless Congress passes this act so they can begin the perfection of that system, so a part of the improvements can be laid to be attached to a temporary source, they can not spend any of the money they voted to relieve themselves as they otherwise could.

Mr. KENT. Mr. Chairman, I would like to say that there comes another emergency question in regard to this San Francisco water supply which the chairman of the Committee on Public Lands did not mention. That is this: A large proportion of the water that San Francisco uses is pumped from Alameda County across the bay. That has lowered the water table some 30 feet, which constitutes a great damage to agricultural interests over there, and the people of San Francisco believe, and have reason to believe, that unless they have some means in sight for getting another supply sufficient to restore that water table that they will be enjoined and litigated against, which would cut off a large part of their present supply. That is another emergency matter which has been overlooked.

Mr. FERRIS. I thank my colleague on the committee very much. He knows much more about the whole matter and will explain it to you later. I want to add one or two things, which I said a while ago and which I repeat, and that is that every Member of the 11 Members of the California delegation have come before us in a patriotic, painstaking, careful way, and have helped us perfect the bill and protect the rights of the irrigationists and protect the rights of San Francisco and to protect the Federal Government. Some one may perhaps say that San Francisco would not protect the Federal Government. I want to say they have been patriotic, generous, square, and very fair in helping to protect the Government and to protect everybody from any possible wrongdoing in this thing. California may well be proud of their delegation. I am proud of the three members of the committee from that State. They have been fair, square, and generous in their endeavors to arrive at a just solution during all our work on this bill.

But to be doubly safe we brought the highest conservation authority in the United States, Mr. Pinchot; we brought all the departmental officers before us, and they all put their O. K. on this waterworks system for San Francisco.

Now, I want to mention a fact that is a little personal to myself. I was a member of the Committee on the Public Lands five years ago when this bill was considered by the committee. I opposed it then and signed an adverse report, with my good friend from Wyoming [Mr. MONDELL] and others. The gentleman from Wyoming [Mr. MONDELL] wrote a very strong report. If the conditions were the same now as then I would oppose it again. These were the conditions then: They had a local water company with whom they were in litigation, and they could not come to terms as to taking over the local supply. That was the principal reason for my position then. Another reason, they were not putting enough in the bill to protect the irrigation people below the dam. However, both of those objections are now overcome. As to the irrigation proposition and as to the local water-company proposition, if the conditions were the same to-day as they were then, I would not support this bill now. However, it is all changed. They have settled with the irrigationists and they are satisfied. I have resolutions here from the chambers of commerce of the San Joaquin Valley, where the irrigation people live. This is a great fertile valley below this dam, and they are pleased with the proposition. They say that they are getting all that they are entitled to under the law. There are extracts in the hearings from the local water-supply company, which say that the San Francisco earthquake itself never did as much damage to San Francisco as this drought and scarcity of water. So if the 11 Members of the California delegation, the board of Army engineers, all the Secretaries and departments that have anything to do with it, the local water-company people and the irrigation people will be satisfied with this bill, I call your attention to the unanimous report of the Public Lands Committee. I call your attention to some of the people who indorse this bill. I here present them:

The use of the Hetch Hetchy Valley in the Yosemite National Park as a reservoir for storing water for the city of San Francisco and other cities and for irrigation purposes is urged by the following:
Hon. Franklin K. Lane, Secretary of the Interior.
Hon. David F. Houston, Secretary of Agriculture.
Dr. George Otis Smith, Director United States Geological Survey.
Hon. F. H. Newell, chairman United States Reclamation Commission.
Hon. Henry S. Graves, Chief Forester, United States Forest Service.
The Board of Army Engineers: Col. John Biddle, Lieut. Col. Harry Taylor, and Col. Spencer Cosby.
Hon. Gifford Pinchot, former Chief Forester.
Two Senators and 11 Representatives from the State of California.
The people of Oakland.
The people of Berkeley.
The people of Alameda.
The people of Palo Alto.
The people of San Jose.
The people of Menlo Park.
The people of Richmond.
The Legislature of the State of California.
The governor of the State of California.
The engineer of the State of California.
The conservation commission of the State of California.
The people of San Francisco.
The Chamber of Commerce of San Francisco.
The labor unions of San Francisco.

The improvement clubs of San Francisco.
The newspapers of San Francisco and cities about San Francisco Bay.
The landowners of the Turlock irrigation district.
The landowners of the Modesto irrigation district.
The Commonwealth Club of California.
Many members of the Sierra Club of California.
The Native Sons and Daughters of California.
The Public Lands Committee of the House of Representatives.

I am willing to pin my faith to this bill. I hope and firmly believe that the House will grant to San Francisco the right to expend her own money in securing a water supply that is needed more than poor words can well depict. [Applause.]

Now, Mr. Chairman, my colleague on the committee, the gentleman from New York [Mr. BROWN] is going away at 5 o'clock. I want to yield him 10 minutes from my time, or so much thereof as he may consume, in which to conclude his remarks, so that he can get away. [Applause.]

Mr. BROWN of New York. Mr. Chairman, I am heartily in favor of this bill. At this time I wish to discuss only one feature of it—that provision which grants to San Francisco some acres of land now included in the Yosemite National Park. The fact that San Francisco deeds to the United States an equivalent in acreage does not materially affect the main proposition; that part of a park which belongs to all the people of the United States is given to the use of some of the people of the United States.

Those who are familiar with conditions in our crowded eastern cities are of the opinion, and I heartily agree with them, that no encroachments more solid than an open band stand shall be permitted in their municipal parks; and the reason is that conservation of human life requires reservoirs whence fresh air, sun purified, may bring oxygen to those who live in dark rooms on narrow courtyards.

The word "park" is used equally to describe the paved triangles surrounded by high tenements and the 1,100 and more square miles in the Yosemite National Park; so the natural tendency of people and newspapers is to judge all parks by those with which they are familiar. They forget that the highest beneficial use to which our parks can be put is often different in one case from that of another.

Now, as regards the Yosemite Park, I think it is generally conceded that there is no lack of fresh air in the mountains and on the plains that bound it. But the crying need of the semiarid country around the Yosemite National Park, where the sun shines unclouded for 8 months out of the 12, is for water. Without water on the fields there are no crops; without abundance of water for domestic use there is sickness and desolation. If the State of California had sufficient water for its future development, I should have nothing to say, but the testimony of the record shows that it has not. Therefore, Mr. Speaker, I maintain that the highest conservation requires that the waste waters from the melting snows which each spring rush unrestrained into the sea be impounded at the only available economical place in this whole great catchment area, and be then put to their most beneficial use. I maintain that the few acres needed for this purpose within the park can be made to serve no higher purpose.

Let us see how this grant will affect the people of the United States who now own the Hetch Hetchy Valley. The turning of part of the valley into a lake may make or mar its beauty—that is a question of individual taste—but it is significant to note how few people have ever seen the valley as it is to-day. The reason is simple: In the winter it is too cold, in the spring it is flooded, in the early summer the mosquitoes are a fearsome pest, and on account of no transportation facilities it requires of most people on foot or horseback more time than they can afford to go in and out during the brief season while the going is good.

For their deprivation of the use of these few acres of the valley floor the people of the United States receive great benefits. The grantee builds and maintains a half a million dollars' worth of roads and trails, and contributes annually after a few years toward the maintenance of the national park such amounts as Congress shall determine. Upon the passage of this bill upward of 400,000,000 gallons daily of flood water will be conserved to the people of the State of California, and the Hetch Hetchy Valley will be made accessible as a recreation ground to thousands to whom it is now only a name. [Applause.]

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Chairman, I can not quite agree with the last speaker [Mr. BROWN of New York], who really made a delightful speech to the House, that because the Hetch Hetchy Valley or any other part of the parks of the United States may not at present be very accessible that that is any reason at all for destroying them. But that might be a very good reason for providing accessibility to them.

Mr. Chairman, I think it is quite safe to say that Congress, approaching a proposition involving the destruction of one of the greatest pieces of natural scenery in the United States, would approach the solution of the problem with a very strong bias in opposition if it were not that there was involved on the other side of this particular question the furnishing of a proper and sufficient water supply to one of the large cities and populated areas of the United States. In my judgment, it will not be many years until the question of the water supply becomes of pressing importance in all parts of the United States. Recently we provided by law that the Public Health Service should have added to its other functions that one of investigating and reporting upon the water supply, the purity, and so forth, of water in navigable streams.

Now, San Francisco is confronted with a situation where some gentlemen claim that the passage of this bill is necessary, whereas some who are opposed to it claim that it is not necessary. I say this in passing, that I fear San Francisco is taking a load upon itself which in the end will bear down very heavily upon its people. With the World's Fair to be financed largely by San Francisco publicly, and more privately; with the issuance of bonds for the production of the great sums of money involved in this bill, stated by the chairman to be $77,000,000, which can probably be multiplied by two; with the recent vote of the people of that city to build competing and parallel street car lines, and with many other things which they are undertaking, in my judgment they will find that they have bitten off, to use a very homely phrase, more than they can comfortably chew.

I think, Mr. Chairman, it is proper to present to the House, in a way at least, the other side of the question, and I shall therefore ask to have read in my time a public letter, sent out generally throughout the country, by Robert Underwood Johnson, one of the men in the country who are wholly disinterested, of the highest standing, holding a commanding position among those who are in favor of preserving nature's beauties.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

MATTAPOISETT, MASS.

MY DEAR MR. MANN: Here is a challenge as to facts from a reputable source. I have seen a photograph of the suppressed report. Either these charges are untrue, in which case they should be refuted, or they are true, in which case the legislation should be delayed for further investigation as to the other sources available. In this unequal fight I hope you will stand for the whole people.

Sincerely, yours,

R. U. JOHNSON.

[For publication and comment in the press.]

THE HETCH HETCHY SCHEME—WHY IT SHOULD NOT BE RUSHED THROUGH THE EXTRA SESSION—AN OPEN LETTER TO THE AMERICAN PEOPLE.

Fellow owners of the Yosemite National Park:

For 12 years the city of San Francisco has been trying to obtain from the Government the gift of the wonderful Hetch Hetchy Valley, 18 miles from the Yosemite Valley and one of the chief attractions of the greatest of your national parks. The plea has been that the Hetch Hetchy is the only available source of water supply for the city, this being the only plausible reason for the scheme, which involves the destruction of the valley by flooding it as a reservoir and the exclusion of the public from two of the three chief camping places amid this phenomenally beautiful scenery and from access to 20 miles of the most remarkable cascades in the world. The language of hyperbole is the only appropriate medium to describe the features of your Yosemite National Park. Better that there had never been a Niagara than that the northern half of the park should thus be diverted from the use of the public. The Hetch Hetchy is a veritable temple of the living God, and again the money changers are in the temple!

For these 12 years a few public-spirited men in California and elsewhere, led by John Muir, "California's grand old man," and supported by 8 or 10 national organizations, have succeeded in thwarting this project. Their attitude is not quixotic. They say: "If San Francisco could nowhere else obtain an abundant supply of good water, supreme necessity would require that the valley should be placed at its disposal." But they claim that not until the city has demonstrated that the supply can not be obtained from any other source should any concession be made to its demands. And they further claim that the city is under obligations to prove this negative; that the Hetch Hetchy is not merely desirable, but that it is absolutely necessary. The importance of the reasons for dismembering your park must be equal to the importance of the reasons for its creation. And the reasons for dismembering it must not be accepted as final when they come from the party in interest. Otherwise we shall pay too high a price for San Francisco's water.

I wish to call your attention to some aspects of this project that amount to a scandal. Its proponents have been defeated four times—once before Secretary Hitchcock of the Interior Department, again before the Senate Committee on Public Lands in 1909–10, again before Secretary Ballinger, and again before Secretary Fisher. Secretary Lane has refused to take the responsibility of applying first to the Hetch Hetchy the revocable grant given by Secretary Garfield, and even Mr. Garfield thought that by compelling the city first to take the Lake Eleanor watershed (which it could have without opposition) the Hetch Hetchy would never be in danger. The city, by which is meant its supervisors, taking advantage of the announcement that no general legislation would be considered at the extra session, and the fact that the opponents were therefore off their guard—many being absent or ill—have invented an "emergency" and with the aid of salaried officials who have been at Washington for several months, and, with a fund of $45,000,000 (water-supply bond issue of 1910) to draw upon for expenses, are endeavoring to rush through a drastic measure that would

turn over to the city 500 square miles—half your national park. The scandal consists in these facts: (1) That the appeal is made on ex parte evidence furnished by the city and not fully verified by the advisory board of Army engineers appointed by Secretary Fisher, and (2) that in presenting data to this board the city actually withheld a report showing that the Mokelumne River region will afford abundant resources at a smaller expense.

Before considering this other source of supply let me cite two damaging statements of a general nature. At the hearing before the Public Lands Committee of the Senate, Mr. NELSON, of Minnesota, in the chair, Mr. McCutcheon said to Mr. James D. Phelan, then and now the most conspicuous advocate of the scheme, substantially this:

"You know, Mr. Phelan, that you could go out overnight anywhere along the Sierra and get an abundant supply of pure water for the city."

"Yes," said Mr. Phelan, "by paying for it."

And Mr. Manson (another advocate) echoed, "Yes, by paying for it."

This is matter of record and has never been disputed. It shows that the object of the scheme is to get something for nothing—the simplest sort of a commercial "grab." The Nation is called upon to make sacrifice of its noblest pleasure ground, not to save the lives or the health of San Franciscans but their dollars; and, moreover, to supply water not merely for drinking but for power.

Again, the report of the Army board states the belief of its members that the city's reports on other sources besides the Sacramento and the Tuolumne (Hetchy Hetchy) are not thorough and complete, "due largely, it is thought, to the lack of importance and impracticability, from the point of view of the city authorities, of any source of supply other than the upper Tuolumne." This report was made on the order of the Interior Department that the city should investigate and report on all possible available sources. It has not done so in good faith. This report of the Army board, it is understood, was drawn up by H. H. Wadsworth, assistant engineer and secretary of the board, who on July 1, 1913, said he had not seen the elaborate report favorable to the Mokelumne River region, known as the Bartell report, and added: "I am very confident that no such report was submitted to the board." This is confirmed by Col. Biddle, chairman of the board, in a telegram to me.

The plain fact is that the Bartell report to the city of April, 1912, though it was made for the city, proved an obstacle to the theories and purposes of the supervisors, and therefore was withheld by them from the Army board, substitution being made of a report after a brief investigation by Engineer Grunsky (July, 1912) placing the resources of the Mokelumne at 60,000,000 instead of 432,000,000 gallons daily. This withholding constitutes an important suppression of the truth, and was a wrong to the board, to the city's expert (Mr. Freeman), to the Members of both Houses of Congress, and to every other American citizen.

If the legislation is not railroaded through Congress, an even fuller report of the Mokelumne resources than that of the Engineer Bartell will be presented, along with an offer of rights and sites by the Sierra Blue Lakes & Water Power Co.

The advantages claimed for this source over that of Hetch Hetchy are:

(1) It would obviate the invasion of your national park.
(2) It would save 70 miles of tunneling, much of its through solid rock.
(3) It would be a shorter route by 65 miles.
(4) It could be completed in 4 years, as against the 10 needed to make Hetch Hetchy available.
(5) Its owners will offer it to the city at a price to be arbitrated.
(6) Its watershed is virtually in a forest reserve, not a national park, and thus is more fully protected than a scenic resort like Hetch Hetchy.

The fact is that with the $45,000,000 at their command the city made a most elaborate investigation of the source desired and very inadequate investigation of all but one of the others. A congressional investigation may be necessary to reveal whether there was any sinister reason for this attitude.

The country ought to know that the grant to the city would do an immeasurable wrong to the residents of California's greatest valley, the San Joaquin. Without water this valley is almost a desert; with water it is a paradise. This central valley of California should have prior claim on the water. I well know the purposes of Congress in creating the Yosemite National Park, for I was the only person who advocated it before the Public Lands Committee of the House in 1890. These were primarily to preserve the great scenery for the use and recreation of the whole Nation, to defend the forests against destruction by herds of sheep—"hoofed locusts," as Mr. Muir called them—and to conserve the waters of the region for purposes of irrigation in the San Joaquin Valley. The residents in that valley are overwhelmingly against this legislation, and although the city seems to have arranged with the Turlock and Modesto irrigation representatives the people are not satisfied. This is particularly true of the Waterford region and other large regions dependent for prosperity on the Yosemite Park sources. In order to silence the opposition of the irrigation interests the city's agents have agreed to divide with them the waters of the coveted valley. The spectacle of thus parceling out the resources of one of God's most beautiful creations has had no counterpart since the casting of lots for the raiment of Jesus.

In the face of these facts, where is the "emergency" requiring the passage of this piece of inexcusable folly? There is an emergency, but it lies in the other direction; the emergency is that unless as American citizens you protest to your representatives in both Houses of Congress your great national park is likely to be lost to you and your descendants forever. Yosemite Valley will become "the back door of San Francisco," and a precedent will be established under which all your other national parks will become the loot of corporations, private or municipal. The pretense of the supervisors is that there is a shortage of water—this in the face of a reserve of 100,000,000 gallons per day of the local water company, to which Lobos Creek and the wells of the city can add 8,510,000 gallons, while the water in driven wells is said to be virtually inexhaustible. But even if there were a shortage, the resources of the Hetch Hetchy 10 years from now would not meet the emergency.

I have said nothing here of the offer of the local company, the Spring Valley, to sell to the city all its vested interests and options, which it claims would solve the problem for a hundred years, nor of the desirability of establishing a great filtration scheme, such as London is about to do, abandoning the plan of piping from the Welch Mountains. These are pertinent considerations, and they are new to the present Congress, and time should be given to them. This piece of vandalism, so repugnant to the enlightened opinion of the country, can only be rushed through by the deference of the judgment of Congress to the statements of interested parties. A complete investigation of other sources—which the Army board states that it has had neither time nor facilities to make—should be undertaken by an impartial commission.

Col. Heuer, United States Engineer, said in 1898:

"Engineers who made surveys of Lake Eleanor and Hetch Hetchy inform me that there are other Sierra supplies which can be brought here at much less cost than the Hetch Hetchy. The latter by persistent advocates has been preached, almost forced, into acceptance by the people of San Francisco."

The simple issue is not "Shall San Francisco have a satisfactory water supply?" but "Shall the national park be dismembered and Hetch Hetchy destroyed unnecessarily?" The report of the Army board is quoted in favor of the scheme; but it includes the following significant, if not conclusive paragraph:

"The board is of the opinion that there are several sources of water supply that could be obtained and used by the city of San Francisco and adjacent communities to supplement the nearby supplies as the necessity develops. From any one of these sources the water is sufficient in quantity and is, or can be made, suitable in quality. While the engineering difficulties are not insurmountable, the determining factor is one of cost."

In other words, the American people are asked to subsidize the city's water supply to the extent of the money value of Hetch Hetchy and of 500 square miles of phenomenal scenery. Put up at auction what would this wonderland bring? "What am I bid," the auctioneer might say, "for one superb valley, 20 miles of unique cascades, half a dozen snow peaks, beautiful upland meadows, noble forests, etc., now owned by a gentleman named Uncle Sam, suspected of not being able to administer his own property? Do I hear $20,000,000 to start the bidding? Remember that these natural features are priceless."

Will the reader of these lines also remember that fact?

Citizens, will you not help prevent this outrage by writing in protest, however briefly, to your Senators and Representative and to Hon. REED SMOOT, United States Senate, and Hon. F. W. MONDELL, Member of Congress, Washington, D. C., and to the press, and by asking others to do the same? "They have rights who dare maintain them."

Respectfully, yours,

ROBERT UNDERWOOD JOHNSON.

Mr. MANN. Now, Mr. Chairman, in order that Congress might be informed of the opinions of those that are opposed to this bill I have had this letter read. This matter has been pending in Congress for a number of years. Committees in some cases, I believe, have failed or refused to report the bill. At one time the bill was reported adversely from the Committee on Public Lands. It now comes before the House with a unanimous report from the Committee on Public Lands and with the unanimous indorsement of the Members in the House representing the State of California. It is possible that I have been led astray by the personal opinions of the gentlemen from California—Mr. KAHN and Mr. J. R. KNOWLAND and Mr. KENT—with whom I have frequently consulted in regard to this bill. I am not disposed to present any captious opposition to it. I may offer some amendments to it. Since the Committee on Public Lands is a very fair committee and stands very high in the House, and since they have reported that in their opinion this is the best solution of the problem confronting the city of San Francisco and the surrounding territory—a problem that must be met in some way and solved by some method; the problem of furnishing water to San Francisco—I am disposed to accept the judgment of the distinguished chairman and the members of the Committee on Public Lands and favor in general the bill that is presented.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman has 40 minutes remaining.

Mr. GRAHAM of Illinois. Mr. Chairman, as a member of the Committee on the Public Lands I was disposed, when this matter came before the committee, to look upon it with little favor; but as the evidence was produced before the committee, and as we all had an opportunity to see it from every side, to see the necessities of the great and growing city of San Francisco, and to see how fairly and in what a splendid spirit the people of San Francisco were meeting the needs of the various irrigation projects involved, I think I can truthfully say that all opposition in the committee was overcome and pushed aside.

San Francisco is in great need of a better water supply. This is the only practicable means it has for getting it. It is true there are other places in the mountains where water could be had, but at a prohibitive cost.

The valleys where the irrigation projects are located were well represented before the committee, both by persons interested in them and by their Representatives in this House, and they were satisfied with the arrangements provided in this bill. Every interest was properly cared for, and I think it is the simple truth that now the only opposition remaining is the opposition of those who have an exceedingly fine artistic taste or temperament, who think that the floor of the valley ought not to be covered with water even for so high and so necessary a purpose as this.

I need hardly say that conservation and what it stands for appeal to me very strongly, and my sympathies would be in that direction; but I can not overlook the fact that the highest form

of conservation is the kind which conserves for human necessities and human rights. Good, pure, clear water could not be put to any higher use than domestic use, and the most earnest advocates of the highest conservation admit that to be true.

Mr. Underwood Johnson attacks the bill for artistic reasons. But even from the purely artistic point of view I deny that this bill would have the effect which Mr. Johnson's circular claims it would have. In passing, let me say that I have information, which I believe to be accurate, that Mr. Underwood Johnson never saw the Hetch Hetchy himself; that he is writing only on information which he has received from others.

Will flooding the floor of the valley decrease the artistic beauty of the locality? I asked a number of persons who gave information to the committee on that point, and they one and all agreed that it would not. For my own part, while my artistic sense is not very highly developed, I have never in my life seen a piece of natural scenery that I thought complete if there were not water mingled with it as a part of it. Flooding the floor of this valley to a depth of 100 or more feet will still leave the great precipitous sides, and will add to the interest by the reflected beauty in the water which will be held there by this dam.

So, Mr. Chairman, there is not a single industrial interest involved here that has not been cared for, and in addition the natural beauty will be enhanced rather than diminished, and San Francisco will have her much-needed water supply, although at a tremendous cost. But the people of that city are willing to pay the bill, the people of the valley below are willing, and therefore I say that the objections or scruples which I had in the beginning have been entirely overcome, and I am now heartily for this bill and I believe it ought to pass. [Applause.]

[By unanimous consent, Mr. BRITTEN was given leave to extend his remarks in the RECORD.]

Mr. RAKER. Mr. Chairman and gentlemen, I trust the commitee will be patient with me in my effort to present this matter in as short and concrete a form as I am capable of presenting it, as well as to present the natural conditions of the Hetch Hetchy Valley and the general surroundings.

The theory on which this bill is drawn is that the United States, having sole jurisdiction over the national park, has the right to refuse the grant and also has the right in making the grant to impose certain conditions upon the grantee.

The bill is not drafted nor designed nor intended to usurp the powers of the State of California in the matter of control of the distribution of water. The conditions imposed—which are acquiesced in by the grantee—relate only to the protection of certain rights of the Turlock-Modesto irrigation district by recognizing, without affecting one way or the other prior rights of the said districts to certain waters in the Tuolumne River, the source of this river being the Hetch Hetchy Valley.

That is a general statement of the theory of the bill and of the conditions between the irrigationists and the city and county of San Francisco.

In passing I call the attention of the committee to the fact that this bill (H. R. 7207) has been reported by the committee without amendment. I think it is due to the committee that I should explain this, so that we may thoroughly understand it.

Mr. Chairman, originally H. R. 112 was introduced this Congress, and also H. R. 4319. Another bill, H. R. 6281, was introduced, and a full hearing had by the committee of the House upon that bill. The committee then thoroughly went through that bill, suggesting amendments and appointing a subcommittee to go into the language, so as to cover every phase. Then a subsequent bill, H. R. 6914, was introduced and was gone over by the committee, and after it had been thrashed out in a work of six weeks the committee agreed upon amendments to the original bill. So as to avoid confusion in the House, I introduced the present bill, H. R. 7207. It is the combined work of this committee after full hearings and after six weeks of work.

In the first place, I want to call the attention of the House to the fact that the city and county of San Francisco owns under the laws of the State of California a water right. She has taken all necessary acts to acquire it, appropriate it, and use the water of the Tuolumne River, which has been done in strict compliance with the laws regulating the appropriation and use of waters in the State of California, and now has and holds a valid water right by virtue of its acts performed under the laws of said State.

The committee heard all the parties who desired to be heard on the bill, and granted full and free opportunity for such hearing, and after hearing all parties the committee were of the unanimous opinion that the legislation provided for in H. R. 7207 is of an urgent character and should be acted upon at this session of Congress, and by the unanimous consent of said committee said bill is approved, and Congress is asked to pass it.

Now, in addition to the statement made by the chairman of the committee that the Secretary of the Interior was heard before the committee, as well as writing in favor of the bill, the Secretary of Agriculture was present, as well as writing in favor of the bill, and the committee's report is in favor of the bill.

In addition to that, Dr. Smith, the Director of the Geological Survey, was before the committee and approved of the bill. F. H. Newell, the Director of the Reclamation Service, was before the committee, and in a full statement by him is in favor of the bill.

As stated by the chairman, Mr. Graves, Chief Forester, was before the committee, as well as all members of the Board of Engineers who were sent to California to make a special investigation in relation to this project and report to the Secretary of the Interior.

Mr. Gifford Pinchot, chief forester at one time, now head of the National Conservation Association, appeared before the committee favoring the bill, and stated that upon the investigation and reports of the various engineers and officers upon this point, the general principle of conservation, no bill had been presented in Congress which carried out in detail better the question of actual conservation than does this bill. The entire population surrounding San Francisco, the large cities of Berkley, Oakland, and Alameda, and others, have favored this bill and request that it be passed. The State of California by its legislature has recommended and unanimously passed a resolution urging this legislation. The governor of the State of California, the conservation commission of the State of California, and, in fact, it is practically the unanimous sentiment of the State of California that this bill ought to be passed; that it is good legislation; that it is a question of conservation in addition to permitting the utilization of the waters of the Hetch Hetchy Valley. San Francisco urgently needs an additional supply of water. The city is confronted by an emergency. Practically one-third of the municipality is without an adequate water supply. The condition is so grave that the water company now supplying the city has advertised in all the papers warning the people not to wash down their steps, sprinkle their lawns, or otherwise waste water.

The reason for this is that there have been two years of light rainfall and the storage reservoirs have not been refilled. San Francisco is situated on a narrow, arid peninsula, where there are no summer rains, and it is necessary to store a water supply during the rainy seasons. On its eastern side it has a coast range of mountains, California running north and south, and along on the western slope is what is called the coast range——

Mr. BALTZ. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I do.

Mr. BALTZ. Under whose supervision will these improvements be made?

Mr. RAKER. Why, they will be made under the supervision of the Secretary of the Interior.

Mr. BALTZ. As I understand it the United States Government will have no expense whatever in connection with these improvements?

Mr. RAKER. Absolutely none.

Mr. COOPER. What revenue will the United States Government get out of this?

Mr. RAKER. The revenue the United States Government will get out is, as stated by the gentleman from Oklahoma, first, after 5 years, will be $15,000 for 10 years——

Mr. COOPER. A year?

Mr. RAKER. A year. The next 10 years $20,000 a year, and from that on indefinitely $30,000 a year. In addition to that the city and county of San Francisco maintains at its own expense the question of sanitation. In addition to that the city and county of San Francisco pays and maintains for all of the roads that are to be built in and about this park, and I will come to those features a little later. In addition to that it means a large increase of revenue to the Government by virtue of the roads that will be opened, so that people will be able to go into the Yosemite National Park, thereby paying each year an additional amount for concessions that to-day are absolutely nil.

Mr. ELDER. Is there any danger that San Francisco will come back at some time in the future and ask for an appropriation from the Government, as they did on a celebrated occasion in relation to an exposition?

Mr. RAKER. No; for many reasons.

Mr. ELDER. Well, I would like to hear them.

Mr. RAKER. The question is, they are getting this right, practically a purchase, upon conditions provided for by this bill—not to be fixed by any Cabinet officer or executive officer,

but fixed in this bill by the Congress itself—so there is every reason, it seems to me, why the city and county of San Francisco can not come back, because this grant, when made, compels the city and county of San Francisco to file with the Secretary of the Interior its regular acceptance of this grant, and therefore it is bound on that account just the same as any other grant by the Government——

Mr. KAHN. I want to call the attention of the gentleman from California to the fact that Congress, under this bill, still retains complete control of the fixing of charges for the privileges granted.

Mr. RAKER. Yes.

Mr. KAHN. Under the terms of this bill Congress does not relinquish its right to fix the charges that will be paid by the city. It is not left to any executive officer, but it is always in the hands of the Congress of the United States.

Mr. RAKER. In the first place, it is fixed definitely by this bill. Some think that it might be worth more in the future, and to avoid any possibility an amendment was put in the bill that Congress in the future, if it desired, might raise or lower this annual rent to be paid, so that San Francisco would be compelled to pay it to the Government.

Mr. WINGO. If the gentleman will permit a few questions for information?

Mr. RAKER. Certainly.

Mr. WINGO. How many acres of the public domain will be taken under the provisions of this bill?

Mr. RAKER. If my friend will just let me precede that with a little formal matter, I will then come to it, and I would be delighted then to yield to anyone who desires to ask questions on that subject, but now I desire to take it up in consecutive order.

Mr. HARRISON of Mississippi. I desire to ask the gentleman one question in connection with the reply of his colleague from California.

Mr. RAKER. Very well.

Mr. HARRISON of Mississippi. I understood the gentleman from California to say that Congress did not relinquish its right to control with respect to electric powers or other matters. Is that true or not?

Mr. RAKER. It is a grant under conditions, and when it is accepted by the city and county of San Francisco it becomes effective for all purposes except that they retain the right to control the question of charge per year.

Mr. HARRISON of Mississippi. The reason why I ask is that I was under the impression that this bill gave the State of California the absolute right to fix charges and control the matter with respect to who should have or might have that surplus power after the city of San Francisco utilized what they wanted to utilize under the terms of the bill. And in the event there was not any law in the State of California to fix the rate or regulate the matter of rates and say who should have this power, then the Congress of the United States could step in and exert its control?

Mr. RAKER. That covers the situation.

Mr. HARRISON of Mississippi. There seems to be a difference of opinion between the two gentlemen on that point.

Mr. RAKER. I will get to that feature and explain it as I understand it.

Over the divide on the north is the Sacramento Valley a couple of hundred miles long and which has approximately 3,500,000 acres of arable land. On the south side of the city of San Francisco is what is known as the San Joaquin Valley having approximately about 7,500,000 acres of arable land. And then on the east are what is known as the Sierra Nevada Mountains running practically from the north to the south of the State of California. In these Sierra Nevada Mountains is where the Hetch Hetchy Valley is located, all in the State of California.

The city has a population of about 500,000 people, and its water supply is approximately 40,000,000 gallons per day. Half of the present water supply of San Francisco is brought from the gravel beds beneath agricultural lands in Alameda County. The other half is stored water in peninsular reservoirs. Proof of this emergency is given by William Bourn, president of the Spring Valley Water Co., who testified under oath before the water rates committee of the board of supervisors on May 19, 1913, as follows:

> The situation to-day in this city—there is nothing as deplorable—there is nothing in my life that I regret as much as the water situation in San Francisco to-day. It is doing this city more harm than the earthquake ever did it.

And, in passing, the Spring Valley Water Co., which made opposition always heretofore, both before the Secretary of the Interior and the Secretary of Agriculture, and before Congress, has practically withdrawn its opposition because the matter has been adjusted between the Spring Valley Water Co., the company now supplying water to San Francisco, and the authorities of San Francisco. The matter is now in court and up to the judges to determine the value of the Spring Valley Water Co.'s property, and after it has been determined the city and the county of San Francisco will take it over.

Mr. WINGO. Will the gentleman yield there, right in connection with the water supply of the city?

Mr. RAKER. Let me finish this statement and then I will yield on that. Mr. Bourn states:

> The situation to-day in this city—there is nothing as deplorable—there is nothing in my life that I regret as much as the water situation in San Francisco to-day. It is doing this city more harm than the earthquake ever did it.

Now, that is the president of the Spring Valley Water Co., that furnishes the water supply for the city and county of San Francisco to-day. At that same hearing, referring to the Hetch Hetchy project, Mr. Bourn said:

> If I had it in my power to give you Hetch Hetchy to-morrow, I would give it to you. If you think the Spring Valley Water Co. is going to make any objection to your application to Congress, you are greatly mistaken.

Now I yield to the gentleman.

Mr. WINGO. Is it the contention that San Francisco's only available water supply is this Hetch Hetchy Valley project?

Mr. RAKER. Not the only available water supply, but the only reasonable available water supply.

Mr. WINGO. What other available supplies have they, and what would be the estimated cost of those supplies?

Mr. RAKER. It is in the report. I have it here. There are a number of them.

Mr. KAHN. If my colleague will permit me, I think it is resolved to four principal sources that could be utilized, including the Hetch Hetchy.

Mr. RAKER. That is about the condition. I have it here very handy. If the gentleman will let me go and finish this, I will get back to that in just a moment.

For 12 years San Francisco has been endeavoring to procure a water supply from the Hetch Hetchy Valley.

The city's object was opposed until this year by the Spring Valley Water Co., the irrigationists of the Turlock-Modesto irrigation district, the promoter of several water schemes which the city did not want, and by a small group of men who based their objections upon the love of nature and opposed the creation of a lake where a canyon now exists. All this opposition, except that of the nature lovers, is withdrawn.

The city has arranged for amicable condemnation proceedings to acquire the property of the Spring Valley Water Co. The city will spend from $500,000 to $1,000,000 more than is required at this time to increase the storage to guarantee water for irrigation.

The city owns two-thirds of the floor of the Hetch Hetchy Valley, and also owns a portion of the dam site.

The city has spent $1,750,000 in the purchase of privately owned rights in the Hetch Hetchy Valley and the Yosemite Park, and now asks Congress for permission to build a dam and for rights of way for conduits, pole lines, and so forth, over the public lands.

In creating this water system, the city agrees to supply water at cost to irrigationists, and will also supply electric energy at cost to landowners in the Turlock-Modesto district.

The power potentiality of the stream is estimated at 115,000 horsepower in its ultimate development. It is proposed to develop this energy in 10,000 horsepower units, and use the power for public purposes in San Francisco and adjoining cities.

Now, going back to the fact of the city and county of San Francisco owning the Hetch Hetchy Valley, the elevation above the level of the sea is 3,500 feet. The maximum height of the dam will be 325 feet. The acres in the reservoir to be covered when the water is raised to 325 feet will be 1,330 acres, holding 352,000 acre-feet of water.

Lake Eleanor, which is right across the divide, and a little farther north and east, is 5,000 feet in elevation. A dam 245 feet high will cover an area of 1,443 acres, or hold 288,000 acre-feet of water.

The Cherry Valley, just north, is of 5,000 feet elevation, and with a dam of 150 feet it will cover 960 acres, or hold 56,800 acre-feet of water.

The Stanislaus Forest, in which part of this is located—the Cherry Creek and part of the ditches—covers 1,135,500 acres of land. The Yosemite National Park covers an area of 1,124 square miles, or 719,622 acres.

I want to call the particular attention of the committee to this fact, that the city and county of San Francisco own in the park 1,960.33 acres of the land that is to be covered by the

reservoir. They have a patent to the neighborhood of 780 acres in the flower of the Hetch Hetchy Valley. They own land in the reserve to the extent of 1,446.13 acres, together making 3,406.46 acres; and the total area to be covered in the three reservoirs is 3,373 acres—less than the area of the land that is now actually owned by the city and county of San Francisco.

I want particularly to call the attention of gentlemen to the fact that the world-wide famed Yosemite Valley, which is in the Yosemite National Park, lies south in the neighborhood of 20 to 25 miles, on a different divide and in a different watershed from that in which the Hetch Hetchy Valley is located. The Merced River heads in the Yosemite Valley, and the Tuolumne River heads in the Hetch Hetchy. There is not an attempt, there is not an effort, to in any way interfere with or to come within less than 20 miles of the Yosemite Valley.

Take now the Hetch Hetchy, which is owned practically, half of it, by the city and county of San Francisco, the other half being owned by the Government. The city and county of San Francisco, without the consent of the Government to use it as a dam, can not use it unless the Government condemns the city's property, upon which it has expended $1,750,000 in various ways; about $700,000 for land alone. The city and county can not use this land that they now have for a reservoir site unless the Government gives its consent, and there we see this natural reservoir site unused, with the waters of the Tuolumne River, that from the beginning of time have been running to waste as flood waters in the Pacific Ocean, causing devastation in the spring, flooding part of the San Joaquin Valley, around Stockton, up to the steps of the depot, as I have seen myself, and from then on to Sacramento, flooded, and even from there on up to Red Bluff, or Tehama Junction in conjunction with the Sacramento River, and now this permission is asked to build this dam in order that these flood waters may be restrained in flood times, and in order that the city and county of San Francisco may use the flood water, not the natural flow of the stream, because in the bill they concede the prior right to the irrigationists below, but for the purpose of supplying the natural wants of the city.

I want, Mr. Chairman, to call the attention of the committee further to this fact that this bill provides for roads to be built by the city and county of San Francisco, from the public highway into the valley, the Hetch Hetchy Valley. They say there is a trail around the Hetch Hetchy Valley. The city and county of San Francisco under this grant are to build the road up to the dam, around the lake, and from there north to the Tioga Road, which is a public road leading across the mountains to the State of Nevada. It will also build a trail up to the Tiltill Valley, where the city and county of San Francisco now own 160 acres of land, an ideal place for hotels and camp sites. They will build a road from there through the valley to Smiths Peak, and a trail from the main road around the Hetch Hetchy on to Lake Eleanor and then to Cherry Creek. The city and county of San Francisco will keep up these roads from now until the crack of doom. To-day about 25 to 75 people per year visit the Hetch Hetchy Valley. You must go in on the trail and on burro back to get there. Instead of that, you will have one of the scenic roads of the world built to this valley, and instead of having barren cliffs on either side you will have boulevards around this lake, so that the people may see the wonders of the Hetch Hetchy Valley and also the remainder of this territory that is in the watershed of this valley. They will make it accessible, and make accessible the Tuolumne meadows, which are about 40 miles beyond, where there are about 1,500 acres which will be accessible to campers. That part of the floor of the valley which is now owned by the city and county of San Francisco, about 780 acres in extent, could now be fenced, and the Government could be prevented from using any of that part of the floor of the valley. But instead of that, they say they will build roads where people can go and see this beautiful lake, as well as the rest of the park.

They will turn over the 160 acres of land which they now own at the Tiltill Valley for camping purposes. They will make accessible Lake Eleanor, which is to-day inaccessible, except to a few who go there by trail. They will turn over the Cherry Creek Valley in the same way, all that they do not use for reservoir purposes, and there is a good deal of it. So that instead of destroying the scenery and preventing the people going in there, this valley will be made more beautiful with a road in, through, and about it, with the camping ground made accessible and turned over to the use of the public instead of being, as now, controlled by a municipal corporation. Those who have seen lakes in the mountains can not but believe that Lake Hetch Hetchy will be more beautiful than anything there to-day. Lake Louise, in Canada, which is but a pond of water with a snow-capped mountain in front of it, a rugged mountain on one side and a rugged mountain covered with trees on the other, is one of the most famous bits of scenery in the world. The very colors of the rainbow are reflected in that lake, and people go from all over the world to behold its beauty. It will be the same with this lake in the Hetch Hetchy Valley, which is to-day inaccessible. As for the rocks, there are grander and larger rocks to be seen in the Yosemite Valley. You can see them almost anywhere; but this bill proposes to make accessible that which to-day is inaccessible. Prof. Grant said in relation to Lake Louise, "I would like to go to heaven. I do not want to go to hell; but if I can not go to heaven, send me to Lake Louise." And it will be the same with Lake Hetch Hetchy when it is completed.

Mr. WILLIS. I have not had an opportunity to read the report or to hear the gentleman's speech, and I am asking this question for information.

Mr. RAKER. Yes.

Mr. WILLIS. Can the gentleman state what are the approximate requirements of the San Francisco water supply in millions of gallons per day at the present time?

Mr. RAKER. They figure it at 40,000,000 gallons per day at the present time.

Mr. WILLIS. I have before me a statement which alleges that aside from the Hetch Hetchy there is an available water supply of between 600,000,000 and 700,000,000 gallons outside this proposed reservoir. What does the gentleman say about that? Let me read this statement.

Mr. RAKER. It is an article that was published this morning.

Mr. WILLIS. This is an extract from an article printed in the New York Times.

Mr. RAKER. Yes, I have it in my pocket.

Mr. WILLIS. I will read it to the gentleman:

The suppressed report, showing that the Mokelumne River is a better and cheaper source than the Hetch Hetchy, says that between 600,000,000 and 700,000,000 gallons of water outside the park may be delivered daily into San Francisco and the adjacent bay region, supplying their growing needs for perhaps a century to come.

What can the gentleman state about that?

Mr. RAKER. I can answer that by stating this: The committee went into that matter fully. The Army board appointed by the Secretary of the Interior went into it fully, and the Secretary of the Interior went into it fully, and Mr. Pinchot went into it fully, and they claim that these people did not have the water supply that they claimed they did; that it would not be enough to furnish the city and county of San Francisco with the required amount of water. Next, that there is 200,000,000 gallons daily that belongs to the irrigationists already appropriated, but that the main objection is by the president of the company, who appeared before the committee and admitted that his only opposition to this bill was, practically speaking, that he wanted to sell his system to the city and county of San Francisco and if he could beat this bill he would have some hope of doing it.

Mr. WILLIS. The article referred to alleges the suppression of the report.

Mr. RAKER. Yes. He said he had an engineer by the name of Aston, and it developed that Mr. Aston was to get 10 per cent if he sold the property on a contingent fee. The Bartel report that is supposed to be suppressed lies on the committee table in the House now. That report was in the public files of the proper office of the city and county of San Francisco, open to the public at all times; was used by Mr. Wadsworth, the engineer who made the report; was known of and all its facts and history familiar to the board of engineers, as the record of the testimony appeared before the committee as well as the written letters attached to this report from Col. Biddle show.

The entire report, all of the facts stated in it, all of the conditions, all of the maps were a public record, open to be seen by everybody, were used by Mr. Wadsworth, were used by the Board of Engineers, and, lastly, the testimony of Mr. Sullivan, the president of the Blue Lakes Water Co., admitted before the committee that if Aston was given time the only thing he could do would be to elaborate upon the Bartel report, and that he would be unable to put in the report any single one item of materiality that was not already in the report.

Mr. WILLIS. Now, it is stated in another document here—and no doubt the gentleman has seen a copy of it—that this report stated that the resources of this Mokelumne River was 600,000,000 gallons instead of 430,000,000 gallons.

Mr. RAKER. Well, that is a misstatement. I have read it carefully.

Mr. WILLIS. It says 600,000,000.

Mr. RAKER. That was written by an eloquent gentleman, a man who understands the English language and knows how to present his statement, but he did not have the facts. You know

you can write a good thing, and it reads well, but if you want to use it to convince men you must have the facts.

Mr. WILLIS. Now, one more question. Is it a fact that this project has been taken up by governmental authority on four different occasions and unfavorably passed upon?

Mr. RAKER. No. I will answer "no" and then explain. The Secretary of the Interior, Mr. Hitchcock, refused it. It came back and a rehearing was granted. Then it came back to Mr. Garfield, and he granted a revocable permit under conditions stated in it, which were that the city and county of San Francisco should do certain things, and should recognize certain irrigationists' rights. Now, that report stands for us to-day. Mr. Ballinger when he took office made an order citing the city and county of San Francisco to show cause why the permit should not be vacated. Under that this Army board was appointed, extended hearings of 10 days were had; they took five volumes of testimony before Secretary Fisher, and he said he did not have time to go through it all, but with the doubt he had about granting the right, it being a national park, the city and county of San Francisco should obtain these rights through an act of Congress. Now, that being the case, Secretary Lane, having been attorney for the city and county of San Francisco, put it up to Congress that they should take it up, and he appeared before the committee, making a full and clean statement that he had been counsel for the city and county of San Francisco, and from his knowledge and information he believed that this was one of the important pieces of legislation that ought to be granted. Therefore I say that, as a matter of fact, the city and county of San Francisco rights have never been denied.

Mr. WILLIS. Will the gentleman yield for another question? He has been very patient.

Mr. RAKER. I do.

Mr. WILLIS. It is stated in various communications that have come to me that this is simply a question of money; that there are other available sources for this water supply which the city of San Francisco can get if it is willing to pay for it; but this is simply a proposition of having the Government of the United States give one of its parks for the use of the city of San Francisco simply in order to save money for the people of San Francisco. I have seen that statement. What does the gentleman say as to that?

Mr. RAKER. Now, in the first place, take up the Hetch Hetchy. The city and county of San Francisco commenced in 1901 under the laws of the State of California, and before this land became part of a public park it literally complied with the statutes of California in filing its water rights, posting its notices and filing them under the law, and it had a reasonable time within which to complete the ditches and other appliances to make it available. It then proceeded with the Government, and after this hearing they suggested they must eliminate any private interests or holdings. They did proceed and bought the ground in the Hetch Hetchy, costing them six hundred and odd thousand dollars, and they bought the land around the Tiltill Valley, to be turned over for camping grounds; they bought the land around Lake Eleanor and Cherry Creek; they expended in getting title to land and procuring water rights, always urged on by the Secretary of the Interior with the idea that it would become their property, approximately $1,700,000 to get those rights. Now, there is another system, known as the McCloud, in the northern part of the State, that will cost something over $20,000,000 more than this, without any resulting benefit from the electrical power, and the water rights purchased will be as great as those that are connected with this system. There is another scheme of pumping water from the Sacramento River up about 30 miles at its mouth, and its pipes are to be brought down on each side of the bay down to Dumbarton Point, or even farther, and thus bringing them into San Francisco, but that is objectionable. That will cost something over $20,000,000 more than this, and it is not giving any returns for any money invested. There is another system, known as the Cisumins.

Mr. WILLIS. How much does the gentleman estimate the enactment of this law will save the city of San Francisco in providing her water supply?

Mr. RAKER. Well, I believe it will save them up into $20,000,000 to $50,000,000. The report is $20,000,000. There are many reasons, it appears to me, which will run it more, because the people living in the city and county of San Francisco and around the bay know that they are getting a purer water supply, and it enhances values and conditions there. They would know that they are going to get a good supply that will not be contaminated by the surroundings. The Hetch Hetchy and the country tributary, which is about 1,200 square miles of territory that will be drained, is now uninhabited, only in the summer time, when campers go in there. Now, regulations are provided for in this bill to protect campers, which ought to be, notwithstanding the city and county of San Francisco did not have the right to make the dam; but after these regulations are complied with no further regulation shall ever be imposed upon the Government, and all of those who appeared before the committee—Mr. Pinchot, Secretary Lane, Mr. Houston, Mr. Smith, Mr. Graves, and others—say that the regulations now imposed will not prevent the park from being used to its very utmost, or as much as it ought to be used if the reservoir were not there. Now, in conclusion, if any further sanitation is required the city and county of San Francisco shall filter their water. Now I yield to my colleague from California.

Mr. KAHN. Mr. Chairman, the matter of saving $20,000,000 by the city of San Francisco is an important matter. I desire to say, replying to the gentleman from Ohio——

Mr. RAKER. I just wanted to yield to a question at this point.

Mr. KAHN. I just wanted to call the attention of the gentleman from Ohio [Mr. WILLIS] to the fact that that saving is important to the city——

Mr. RAKER. Personally a matter of $20,000,000 does not amount to much, but, of course, it is a big item to the city in its completing a water system.

Mr. KAHN. But it amounts to a great deal to the taxpayers of the city and county of San Francisco, a city destroyed by fire in 1906.

Mr. RAKER. It is a question of conservation and of utilizing every water supply in the State of California to its highest purpose. It is a turning of what is now a barren canyon into a beautiful and exquisite lake. It is opening up the roads of that park to the people of the world, so that after they go to the Yosemite they may go to see the Hetch Hetchy Valley, and in addition to that it provides and supplies the most exquisite taste of the people who live in San Francisco and the surrounding communities in that they may know they are receiving a supply of water that is pure and healthful. And, in addition to that, the expense in the use of water for household purposes to the city and county of San Francisco and neighboring cities will amount to hundreds of thousands of dollars in saving because of the softness of this water as compared with that from other sources.

Mr. KAHN. Will the gentleman yield to a question?

Mr. RAKER. I will.

Mr. KAHN. Does not the gentleman from California think that the saving of $20,000,000 to the taxpayers of the city who had their streets destroyed, their sewers destroyed, their schoolhouses burned down, their fire houses burned down, their city hall burned down, their hospitals burned down—does not the gentleman think——

Mr. RAKER. I want to say to my colleague that that fire was hell. There is no question about it. It amounts to a great deal, and there are many other reasons why Hetch Hetchy Valley should be used for this purpose.

Mr. KAHN. Does not the gentleman think the people who have had to tax themselves to reestablish all those utilities ought to be considered in the question of cost?

Mr. RAKER. Certainly. Still, I would go on a higher and broader basis, that out of every other consideration—for health, improvement, and conservation, for building up the rest of the State—this is the proper place for San Francisco to go for water rather than to pump it out of the river.

Mr. WILLIS. Will the gentleman yield further?

Mr. RAKER. I yield.

Mr. WILLIS. I understand the gentleman to state that this will save San Francisco somewhere from between twenty and fifty millions of dollars?

Mr. RAKER. I think so.

Mr. WILLIS. And his colleague thinks that is proper on account of the great loss that San Francisco suffered. What I want to know is, if this is going to save the city and county of San Francisco twenty, thirty, forty, or fifty millions of dollars, how much the people of the United States are going to get out of this grant? Is it proposed to give it away?

Mr. RAKER. No, sir. There never has been a bill passed or offered to this Congress that is more fair, more equitable to the American people, not only in California, but every other part of this Government than this one, for the reason that this is a grant under conditions that the city and county of San Francisco do certain things. What are they? They are to maintain roads as specified, which would cost this Government in the neighborhood of $1,000,000.

Mr. WILLIS. For whose benefit are those roads being made?

Mr. RAKER. For the benefit of the great, loyal, God-fearing, liberty-loving people of the United States—all of them.

Second, after the first five years it provides a fund of $15,000 a year for 10 years; the next 10 years it provides a fund of $20,000 a year to go into the Treasury and build up and maintain the rest of the park. After the period of 25 years the city and county of San Francisco pays the Treasury, into the special fund, the sum of $30,000 a year from then on, ad infinitum, unless Congress desires to make it $50,000 a year. That is a provision of the bill. In addition to that, they pay for all the sanitation, which means that all you good people from Ohio and other parts of the United States who go into that section may know you are going to be provided with and drink good water without having any contagious disease following.

The city and county of San Francisco are to do that. They are to maintain the roads that will be built from there as soon as they use this dam. In addition to that it makes a beauty spot out of what is a barren canyon to-day. That ought to be worth something.

Mr. WILLIS. Will the gentleman yield?

Mr. RAKER. For another question.

Mr. WILLIS. I am very much entertained with the gentleman's eloquent description. I wish he would put it in figures. He says he will admit this will save San Francisco $20,000,000.

Mr. RAKER. Among friends a few million dollars do not make any difference.

Mr. WILLIS. Yes; I know. But I wish the gentleman would reduce the things he has enumerated to their present worth. What I want to know is how the Government is going to get out of this the value of the property which it is proposed to give up.

Mr. RAKER. Let me call the attention of my friend to this fact, which possibly he did not know: Does the gentleman know that 780 acres of this glorious valley belong to the city and county of San Francisco to-day? Does the gentleman know that under a decision of the Supreme Court, which I have here, the city and county of San Francisco could fence it up and prevent anybody from going on it and getting any use out of it? Does not the gentleman know that the Government itself could not go in there and build a dam to-day unless it paid millions of dollars for it? And does not the gentleman know that the city and county of San Francisco, on the other hand, could not go in there and build without the consent of the Government?

Now, are we going to stand as a dog in the manger and prohibit and prevent this natural reservoir from being used, and refuse to hold back these flood waters which, as I have stated, from time immemorial have run to waste on their way to the sea and caused the destruction of hundreds of thousands of dollars worth of property in the San Joaquin and Sacramento Valleys? In addition to that this bill proposes to give the irrigationists in the San Joaquin and Medisto and Turlock districts a solemn guaranty that they will always have water for their 300,000 acres of land. To-day they have to depend upon the stream flow. That will be utilized and put into operation instead of being allowed to go to waste. Under those circumstances what is the Government losing?

Mr. WILLIS. I will ask the gentleman how much is all that worth? I want to know how much the Government is going to realize out of this.

Mr. RAKER. Of course I can not look into the future and say how long San Francisco is going to last, but I think that city will last at least 500 years and then some.

Mr. WILLIS. Oh, a thousand years. [Applause.]

Mr. RAKER. Yes. The city and county of San Francisco are paying for this. What more do you want? I do not understand what the gentleman wants to effect. I have given the figures in detail.

Mr. WILLIS. I am trying to ascertain the facts. I am not trying to use up the gentleman's time.

Mr. RAKER. Oh, I know the gentleman would not do that.

Mr. WILLIS. The gentleman's colleague, the gentleman to my left, has explained about the great desirability of helping the city of San Francisco. I agree to that. The gentleman states that this saves San Francisco somewhere between $20,000,000 and $50,000,000.

Mr. RAKER. I did say that.

Mr. WILLIS. What I am trying to get at is, so far as it may be estimated, what is the actual cash value of this property which it is proposed to turn over, and how much is the Government going to realize from it?

Mr. RAKER. Why, my dear sir, the actual cash value to-day consists only of cliffs, barren cliffs, from the public land right of way up to the Hetch Hetchy Valley, and the actual money value of the dam site and the property of the Government. There is no man under the sun who can accurately figure the actual cash value of it at the present time, but it can not be over $250,000 or $300,000, or something like that, to the Government. That land until lately was all open to public settlement, and everybody could have used it.

This is not the only beautiful valley, the only garden spot, in the State of California. It runs for 500 miles to the north. We have the great Calaveras Trees, the greatest and the largest in the world, for the protection of which we have been appealing in vain to this Congress. They are now in private ownership, and we have appealed to Congress in order that they shall not be destroyed. But can we get a peep in? No. We also have the great extinct volcano—the latest in the United States—on Mount Lassen, where we have been trying to establish a public park, so that it may not be looted and destroyed. But can we get action and have our proposition adopted? No. The great snow-topped peak of Mount Shasta we have been trying to have put in a national park. Can we get that done? No. The great redwoods of Humboldt County, that have been there according to the best estimation for over 800 or 900 years, measuring 35 feet in diameter and 380 feet high, are now in private ownership, and when once destroyed can never be replaced. Do you find anyone trying to save them? No. We have old barren rocks there, such as this country is full of, and simply because we desire to put water on that barren area, 200 feet deep, you say we are attempting to deprive this Government of something valuable that belongs to it.

If you will look to the lakes now in the mountains, and particularly in the Yosemite Valley, you will find that when this lake is created there, instead of having cliffs 2,000 feet high on the floor of the valley, looking into the lake you will see the appearance of a cliff 4,000 feet high. That is the difference that we will have there.

This improvement, like any other, will add to the value of the surrounding property. I believe this will be an absolute benefit to the Government. From the dam down to the first power-plant site there will be no overhead wires, and from there there will be a beautiful road to the Hetch Hetchy Valley.

Mr. SIMS. The Government does not have to pay out anything for the doing of this work does it?

Mr. RAKER. Absolutely not one dollar.

Mr. SIMS. It will receive a return without making any investment?

Mr. RAKER. Absolutely.

Mr. SIMS. Yet we are building a $400,000,000 canal and letting privately owned coastwise vessels go through it free.

Mr. RAKER. Yes.

Mr. SIMS. And then depriving the people of San Francisco of the water that the Government does not pay a cent to furnish?

Mr. RAKER. Yes.

Mr. J. R. KNOWLAND. If the gentleman objects to that, will he have that paragraph stricken from the last Democratic national platform?

Mr. SIMS. It ought to be stricken from it. It is the only blot on the pages of that platform that I know of.

Mr. HARRISON of Mississippi. I understand that by this bill the city of San Francisco can get 60,000 horsepower within a certain time?

Mr. RAKER. Yes.

Mr. HARRISON of Mississippi. And that in the event they do not use that much power it can be utilized by other persons or corporations?

Mr. RAKER. Not by corporations.

Mr. HARRISON of Mississippi. Other persons?

Mr. RAKER. Yes.

Mr. HARRISON of Mississippi. Under the bill, who has the right to say what persons shall utilize that surplus power, the Secretary of the Interior or the State of California?

Mr. RAKER. The bill is intended to give to the city and county of San Francisco the right to build a dam. The right to build that dam will cover certain land owned by the Government as well as the right of way to bring out the power and to build roads to transport the material. For the granting of that land the Government will receive the pay stated in the bill. Now, so that there can be no monopoly in regard to the water power that may be generated, the city and county of San Francisco must, as a unit, develop electric power up to 60,000 horsepower of the 115,000 horsepower. If they do not do so, the Secretary of the Interior may offer this right to the highest bidder who will develop it and use it, so that there will be no waste of the property thus created.

Mr. HARRISON of Mississippi. One other question.

Mr. RAKER. Yes.

Mr. HARRISON of Mississippi. Does not the gentleman think the State ought to have the primary right to say what persons

shall get this water power, subject to the approval of the Secretary of the Interior?

Mr. RAKER. No; I do not believe that is involved. In the first place, there is no attempt by Congress to control the waters which belong to the State or to private individuals. You will notice that a further provision of this bill is that the laws of the State of California shall control absolutely the question of water rights and the interests of those that it may affect, and this bill does not attempt to supersede the laws of the State of California or the rights of those who desire to exercise and perfect their rights to have them adjudicated under the laws of the State of California.

Mr. SUMNERS. Does San Francisco own its own lighting plant now?

Mr. KAHN. No; it does not.

Mr. RAKER. I understand it does not.

Mr. KAHN. It does not own its own water supply. Its present water supply is furnished by a private company.

Mr. RAKER. The Spring Valley Water System.

Mr. SUMNERS. Is it the purpose of this bill to have San Francisco supply electric power and water to its own people?

Mr. RAKER. Yes.

Mr. SUMNERS. Or to supply these corporations, which will in turn supply the people?

Mr. RAKER. Under this bill it is to supply its own inhabitants first. It is to supply the public utilities, the courthouse, the schoolhouses, the street lights, and such things as that for its own citizens. Next, it is to supply those around the bay—some 10 cities that may come under the State law and become beneficiaries of this system and pay their proportion.

BAY CITIES UNITE IN PETITION.

The cities around San Francisco Bay join in asking that San Francisco be given the Hetch Hetchy grant. These cities propose—and the State law permits—to organize a metropolitan water district, and the Hetch Hetchy system, together with the local water, will insure an adequate supply for the future.

No injury can possibly be done to anyone or to any interest by the construction of this system. One the contrary, it will be a development of resources for the beneficial use of millions of people.

The ultimate cost of the project is estimated at $77,000,000. The initial cost for the first installation necessary to bring 200,000,000 gallons of water to the city is $37,500,000.

BONDS VOTED IN 1910.

In 1910 the city voted overwhelmingly $45,000,000 in bonds for the construction of this water system. There were 30,000 votes cast for and 1,200 against this bond issue.

A water famine is impending, and the city desires to get to work at once on its Hetch Hetchy supply. Pending the construction emergency development of water has to be made, and this work ought to begin at once. It is impossible for the city to do the emergency work until the larger question—the source of the mountain supply—is settled, as no part of the bond money available can be used unless it is expended for an integral part of the Hetch Hetchy system.

With the Hetch Hetchy grant assured, additional pipes, which ultimately can be used in the Hetch Hetchy scheme, will be laid, and the stored waters now available can be drawn lower and wells sunk for neighborhood supplies.

COSTLY WATER.

To-day San Francisco pays higher rates for water than any city of its size in the world. The rates are 15 to 21 cents per 1,000 gallons.

When these water rates are added to a burdensome tax rate caused by a $500,000,000 loss from earthquake and fire in 1906, no reasonable person should object to the city obtaining an adequate supply at the cheapest cost.

Any alternative supply would cost the city $20,000,000 more, with no credit for power development. This $20,000,000 difference in cost does not represent the full amount of difference, as any other source in the State of California which the city might use is now owned by power companies and other corporations.

TO CONVERT CANYON INTO LAKE.

Hetch Hetchy Valley is a gorge in the Yosemite National Park. It is 30 miles from Yosemite Valley proper. The watershed is composed wholly of granite mountains, on which there is a heavy snowfall every winter. It is proposed to convert the valley into a magnificent lake and store the water from the melting snows which now runs off in torrential floods each year, doing good to no one and at times causing great damage.

HISTORY OF SAN FRANCISCO WATER PROBLEM.

In 1900 engineers and thoughtful citizens realized that the existing local supply from the peninsula and across the bay was not sufficient for the progressive growth of the city. In 1901 the city engineer of San Francisco was directed to examine available sources of water supply from the mountains. Mr. C. E. Grunsky, the engineer afterwards selected as commissioner on the Panama Canal and still later engineer of the Reclamation Service, made a comprehensive survey of Sierra sources. In his work he spent $50,000 and something over a year in time. He and his assistants examined, first, the Spring Valley waterworks, with 12 separate sources as auxiliaries; second, Lake Tahoe; third, the Yuba River; fourth, the Feather River; fifth, the American River; sixth, the Sacramento River; seventh, the Eel River; eighth, Clear Lake; ninth, the San Joaquin River; tenth, the Stanislaus River; eleventh, the Mokelumne River; twelfth, the Tuolumne River; thirteenth, the bay shore gravels in and around San Francisco and Alameda County; and fourteenth, the Bay City Water Co.'s reserve.

As a result of this investigation, the Tuolumne River, its source in the Hetch Hetchy Valley, draining 1,501 square miles of the Sierra Mountains, with an annual rainfall of from 20 to 50 inches and a mean annual run-off of 24 inches, or nearly 2,000,000 acre-feet, was selected.

SCIENCE AND SENSE APPROVE PROJECT.

Every engineering, sanitary, and economic factor favored the Hetch Hetchy as the source. Added to these factors were freedom from complicating water rights and additional power possibilities outside the national reservation.

The distance which the water is to be brought is 142 miles. It is proposed to install 10-foot pressure tunnels, lined with concrete, through the mountains, and 10-foot steel pipes across the valley. This system will bring water to San Francisco under sufficient pressure to boost it to the highest levels without pumping. The plans originally made by city engineers C. E. Grunsky and Marsden Manson were revised by Mr. John R. Freeman, probably the most noted hydraulic engineer in the world. Mr. Freeman brought to his assistance a group of noted experts, and now the work is in charge of M. M. O'Shaughnessy, city engineer, who has had extended experience in the construction of water systems in California, the Southwest, and Hawaii. Mr. Freeman remains as consulting engineer.

Immediately following Mr. Grunsky's report selecting the Hetch Hetchy Valley, the then mayor of the city, Hon. James D. Phelan set about to perfect water rights. At that time, 1901, the Hetch Hetchy Valley was not in a national park. The city could not as a municipality make filings for water under the laws of California at that time. Therefore Mr. Phelan in his individual capacity made filings, perfected them, and transferred them to the city of San Francisco. By this procedure San Francisco obtained priorities and has, in spite of all obstacles, kept the city's rights alive.

Subsequently the Hetch Hetchy Valley was included in the national parks at the time the State of California receded the Yosemite Valley to the United States.

Application was made to Secretary of the Interior Hitchcock for a permit to construct the dam and for rights of way. Mr. Hitchcock refused the permit and directed the city to buy out the Spring Valley Water Co. This was the beginning of trouble. Bitter contention arose over the water rates charged by the company and over a purchase price. No agreement could be reached, and for several years the problem remained unsettled.

GARFIELD GAVE LIMITED PERMIT.

When James R. Garfield became Secretary of the Interior San Francisco renewed her application for a permit. There was bitter opposition. After investigation, Secretary Garfield, on May 11, 1908, authorized the city to use Lake Eleanor and Cherry Creek, sources contiguous to the Hetch Hetchy Valley, and part of the Tuolumne watershed. About this time a group of men adverse to the city's interest secured an option on 720 acres of land which the city had to have and immediately ran up the price. This scheme caused delay. In 1909 the city voted $600,000 bonds for the purpose of acquiring privately owned lands and water rights, and part of the expenditure of this sum was $174,311.20 for the 720 acres of land in the Hetch Hetchy Valley. This land was of value to the city, and a number of private interests were trying to acquire it for the purpose of developing power, and as the Government had made the condition that private ownership be bought out, the city had to pay the price asked.

ARMY BOARD INVESTIGATES.

In 1910, at the request of the President of the United States, a board of three Army engineers was appointed to investigate and analyze the data and report on all available sources for a water supply for San Francisco.

This board was composed of Col. John Biddle, Col. Harry Taylor, and Col. Spencer Cosby. The investigation was completed

in December, 1912, and the Army board report was filed in February, 1913. (H. Doc. 54, 63d Cong., 1st sess.)

Secretary of the Interior Fisher, with the Army board, the engineers of the Geological Survey, the Directors of the Reclamation Service and the Geological Survey, and other Government experts, conducted a 10-day oral hearing on all the reports submitted in November and December, 1912.

UNITED STATES ENGINEERS APPROVE.

As a result of all this, the Army board reported in favor of San Francisco, stating that the Hetch Hetchy was the most economical and available source of water supply for the bay cities.

Secretary Fisher did not issue the permit. He received the Army board report a few days before his retirement from office, and passed the question on to his successor and to Congress.

Secretary Lane, having been the city attorney of San Francisco and an attorney of record in the Hetch Hetchy proceedings, while he urges the grant, felt that it were better procedure for the city to obtain its authorization from Congress.

These facts and additional data are more clearly set forth in the transcript of proceedings by Hon. Percy V. Long, city attorney of San Francisco. (See Vol. I of hearings, beginning at p. 94; see also engineering history by M. M. O'Shaughnessy, p. 130, Vol. I.) Mr. O'Shaughnessy says in part:

In California we are often subject to a succession of two and sometimes three dry years. For a municipal supply this involves having a reservoir and storage capacity able to tide over such a dry period. In San Francisco for the past two years there has been a shortage of over 50 per cent of rainfall, and this has resulted in leaving our reservoirs in a very depleted condition, so that the public is very much alarmed as to what the outcome is going to be. Personally, as the city official most directly responsible for improving conditions, it is a subject of very grave alarm, and for the past three or four months I have been making explorations all over the city in our narrow peninsula trying to develop what strata there is that will be capable, in this emergency, of relieving our situation. There is no other city in the United States at the present time of the size of San Francisco confronted with such a situation.

Mr. O'Shaughnessy says further that the Spring Valley Water Co. is supplying about 41,500,000 gallons per day. In addition there are drawn from private wells about 8,000,000 gallons per day, so that the daily consumption is about 50,000,000 gallons. He adds that if the present demands were supplied, the consumption would be 75,000,000 gallons per day.

When it is considered that San Francisco is growing very rapidly, and that whole districts can not be improved, homes built, and sanitary requirements fulfilled because of lack of water, it is apparent that San Francisco must have more water than is available from any near-by source.

ALL WATER NEEDED FOR USE.

Supplementing Mr. O'Shaughnessy's judgment is the following from the report of the Board of Army Engineers:

In one important respect the situation in California requires special consideration. In California all water has great value; due to the large extent of arid and semiarid land that can be made fertile by the use of water, irrigation is assuming great importance; due to lack of coal and the opportunity for economical water-power development, the use for the latter purpose will surely be greatly extended. In a relatively few years practically all available water will doubtless be appropriated for one or the other purposes, and it will then be possible to obtain it for municipal use only at great cost and damage to existing communities and industries. It is therefore necessary to-day for the cities of California to look further ahead than in most other parts of the country and to take such steps that in the future when they may need the water they shall have the right to take it. For this reason, it is believed that in making provision for the future supply of San Francisco and other bay cities, a source should be selected, if possible, that is capable of supplying the needs of the communities for the balance of this century. Such a course would seem both wise and reasonable, provided it involves no sacrifice of economy.

With a full knowledge of this entire subject, Gifford Pinchot, leading conservationist of the country, declares to the Land Committee that San Francisco's proposition is the highest form of conservation he has seen, and he urges the passage of the bill.

CITY READY TO HELP STATE.

Encouraged by the friendly aid of neighboring cities, San Francisco stands ready—money in hand—to make a great investment which will bring incalculable benefit to the State of California. This willingness to pack the burden is not wholly self-interest. The people of the city realize that economic development of the great San Joaquin Valley will help to produce cheaper foodstuffs, attract home builders, and enhance the progress of the State. Imbued with this sentiment and characteristic generosity, the city is willing that an additional million dollars shall be spent for storage of water to be used solely by irrigationists.

And, further, proud of the glories of the State, the beauties of the Yosemite, the delights of the Sierra, the city proposes to expend another million dollars in making the sublime scenery of the Hetch Hetchy and Yosemite accessible to people of small means and limited leisure. The historical associations and the league for the preservation of California landmarks are more jealous of the preservation of California's natural beauties than can be the residents of remote cities—men who never have seen California and probably would never go to the Hetch Hetchy if they had time and opportunity.

A people who undauntedly met the greatest disaster in all the world's history and who rebuilt a devastated city ought to be given sufficient consideration to enable them to select their own water supply and to ease the tax burden which falls most heavily upon those who work for a living. The Hetch Hetchy question is not "a raid upon the Yosemite"; it is a question solely of providing pure water in ample supply to human beings.

ARMY BOARD FINDINGS.

[Extracts from conclusions of Board of U. S. Army Engineers. (H. Doc. No. 54, 63d Cong., 1st sess.)]

The project proposed by the city of San Francisco, known as the Hetch Hetchy project, is about $20,000,000 cheaper than any other feasible project for furnishing an adequate supply.

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The Hetch Hetchy project has the additional advantage of permitting the development of a greater amount of water power than any other.

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The board is of the opinion that the use of the Hetch Hetchy Valley as a reservoir site is necessary if the full flow of the upper Tuolumne is to be conserved.

The board further believes that there will be sufficient water, if adequately stored and economically used, to supply both the reasonable demand of the bay communities and the reasonable needs of the Turlock-Modesto irrigation districts for the remainder of this century.

* * * * * * *

The board believes that on account of the fertility of the lands under irrigation and their aridness without water the necessity of preserving all available water in the valley of California will sooner or later make the demand for the use of Hetch Hetchy as a reservoir practically irresistible. The board does not think that a delay of a few years in transforming the Hetch Hetchy Valley into a reservoir is of importance, and therefore does not think it necessary to require delaying construction of this reservoir until the Lake Eleanor and Cherry sources have been fully developed.

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The board believes that the regulations proposed by the city will be found sufficient to protect the waters from pollution, and that these regulations will tend toward the protection of campers and others using the park and will not be onerous upon them. It recommends, however, that the permit to the city require the city to take other means, such as filtration, to purify its water supply if these regulations are ever deemed insufficient.

The construction of reservoirs, especially the Hetch Hetchy, will destroy a few camping grounds in the park. The construction of the proposed trails will, however, render accessible other parts of the park not now readily reached, and the number of camping places within the park is large.

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Construction of Tuolumne system as proposed by city of San Francisco, to be extended over about 50 years, $77,000,000.

Against the above expenditures there will be developed 115,000 horsepower, having an estimated capitalized net value of $45,000,000.

THE SECRETARY OF THE INTERIOR,
Washington, May 29, 1913.

MY DEAR MR. UNDERWOOD: I have been in receipt for some time of communications from San Francisco respecting their water situation. The newspapers and others are keeping it as quiet as possible, but the situation is one of emergency and of actual distress. As you doubtless know there has been pending here for some 10 years or more an application before this department for rights of way which will permit the use of the Hetch Hetchy Valley as a reservoir for San Francisco's water supply.

When I was city attorney of San Francisco I made an argument before Secretary Hitchcock in this matter and have been interested in it ever since. Secretary Fisher just before he went out of office said that the matter was one that should be dealt with by Congress. I was appealed to to revoke this decision, but said that owing to the fact that I had been a constant advocate of such a permit and was one of the attorneys of record in the matter, I felt it would be improper for me to act further than to express to Congress my opinion that this was a matter almost vital to San Francisco's growth as well as her present needs.

I am advised to-day that the matter of securing the necessary legislation under which the Tuolumne waters may be used for a municipal water supply can be taken up by Congress as an emergency matter if you will say the word. San Francisco's need is so great that I think such action would be entirely justifiable. There is absolutely no politics in the matter. The president of the Spring Valley Water Co., which now supplies the city, in describing the water supply in that city recently said, "It is doing the city more harm than the earthquake ever did."

I quite realize the pressure that is brought to bear upon you with respect to legislation that Members desire to push at this session. This fact, however, is not to be lost sight of, that a delay as to the Hetch Hetchy water supply now means the postponement for at least a year of securing the relief for San Francisco. There is sufficient data already had for the Land Committee to act upon, and there is no question of policy involved affecting anything other than this one proposition.

I hope from these considerations that you will find it practicable to make the exception and permit this proposition to be considered during this session of Congress.

Respectfully, yours, FRANKLIN K. LANE.

Hon. OSCAR W. UNDERWOOD,
House of Representatives.

LANE TESTIFIES AT HEARING.

San Francisco needs a new and adequate water supply. The water supply that she has now has been developed from time to time during the last 50 years, and the city has outgrown it. The situation in San Francisco now is that there are many homes where sufficient water can

not be had for a bath; where it is necessary in the new and growing portions of the city to leave a spigot turned on at night in order to get sufficient water for the morning breakfast. More than that, you know the situation that developed immediately after the earthquake. San Francisco attempted to supplement her fresh-water supply with a salt-water supply drawn from the ocean—an emergency supply in case of fire.

There is every kind of reason why San Francisco should have a larger supply of water than she has. At the present time they are advertising in the papers that people must stop washing down their steps, washing off the sidewalks, and watering their lawns, because the water is not to be had.

The Hetch Hetchy Valley is distant from the Yosemite Valley and in no way touches that beautiful scenic valley. The Hetch Hetchy Valley I have never seen, but it is a valley in a canyon which is partly submerged during a part of the year, which, as I learned 10 years or more ago, was for the greater part even of the summer season an impossibility for camping purposes because of the mosquitoes there, there being so much swamp. Great cliffs arise around it. * * * I think that I have as much appreciation of natural beauty as anyone, and as much of a desire to conserve the natural beauties of my own home State as anyone, and my conclusion, after thinking of this thing a long while, has been that to turn that valley into a lake would add to the beauty of the whole thing rather than to detract from it in any way. * * *

Both the private engineers and the War engineers have reached the conclusion that this dam site must eventually be used. California needs water for other than municipal purposes, for irrigation purposes, and she needs this water that comes down from these high mountains for power, because she has no coal, so that it is probably a matter of but a few years, even if this application were denied, and if this bill should fail to pass it would be only a very few years before you would find yourselves pressed by the State of California or by private parties with large public influence behind them to set aside this identical site as a dam site for the holding back of the flood waters which run to waste, so that those waters might be used for irrigation purposes and for power purposes, if not for municipal purposes; and it has seemed to me, in looking over the whole situation, that San Francisco's demand or request made to the Secretary of the Interior in times past was a perfectly reasonable one. My concern as Secretary of the Interior has been to see that the interests of the Government were protected. I have looked over this bill, and in the very brief time I have had it seems to meet a great many of the objections that have been heretofore raised to such bills. * * *

My judgment is unequivocally in favor of the use of the floor of the valley. If San Francisco does not get it, some one else must; it is too precious a reservoir site to remain unused.

* * * * * * *

In building this dam San Francisco will necessarily build roads which will make the high sierra accessible—will make that whole portion of the park accessible to hundreds of thousands of people who never will have any chance to go in there if it remains as at present. Therefore it seems to me that as a park proposition alone this thing is worth while. * * *

I think, as one having charge of the park, that it will be beneficial, and that anyone who really knows the country and appreciates the advantages that will come by the opening up of it and making it accessible and putting it to use must indorse this proposition as against some rather doubtful esthetic consideration.

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San Francisco has absolutely needed an additional water supply for years.

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I am advised by the irrigation people themselves that they are satisfied that this (bill) protects their rights, and I think it becomes quite evident when you consider that the city puts up a great dam which will hold back flood waters that run idly by their land, that it must work out for their benefit if they have any right whatever to the use of the waters.

* * * * * * *

The general principle of the bill is that these lands belong to the Federal Government and that we have control of them. The water originates in them, the water flows through them, and we have control over the dam site, and if we are to allow these lands to be submerged we have got the right to make certain conditions. Certainly no one can come in and use lands in a national park without our consent, and if you give consent you have got the right to make conditions.

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I think the rights of the irrigation districts are very well protected here, and that they have the right to call upon the city for additional water.

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I think that it is very proper that the Federal Government should use whatever power it has over the public lands, over the parks, and over the forests, to compel the fullest use of these waters, and indirectly to require through its power to make conditions the lowest possible rate for consumers.

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In my judgment, the permission desired by San Francisco to secure water from the Yosemite National Park for municipal purposes, etc., should be accorded. The communities on San Francisco Bay constitute the largest center of population on the Pacific coast and are urgently in need of an adequate supply of pure, wholesome water for domestic consumption and for fire protection.

This project would insure the development of a dependable supply of water for the use of the adjacent irrigation district, and it would also provide for the development of power now going to waste. The city of San Francisco has evidenced its good faith in this matter by providing a large bond issue looking to securing money to effectuate the grant if accorded. The bill under consideration fully protects the interests of the United States in the park and elsewhere. Under the project as proposed by the city, the floor of the Hetch Hetchy Valley, now difficult of access and frequently unhealthy, will be converted into a lake of great beauty and be provided with suitable approaches. Under the provisions of this bill the revenues derived by the Government, which in time will grow into a very considerable sum, are to be used for the maintenance and improvement of the Yosemite National Park, and the city of San Francisco has undertaken to construct and maintain roads, trails, and bridges which will practically result in a great enlargement of the park areas of the high Sierra by making them more safely and easily accessible.

HOUSTON APPROVES.

[Extracts from statement of Hon. David F. Houston, Secretary of Agriculture, before the Public Lands Committee, House of Representatives, June 25, 1913.]

I have examined this proposed bill, and I am in hearty accord with what the Secretary of the Interior says as to the general features. So far as the Department of Agriculture is concerned, I think that all of the interests of the Government are safeguarded in the bill.

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It is unnecessary for me to repeat anything that has been said about the need of the city of San Francisco for water. There is no doubt, from the representations made, that they have a great and growing need for this water supply. It is a prerequisite to the development of a great city. Now, I am also informed that this has been determined as the best way to secure the additional water required. It seems to me that we can not afford to stand in the way of that. * * * I have carefully examined the bill, and I can see no reason why it should not go through.

The CHAIRMAN. In your opinion the development of roads and trails might mean an additional protection to the forest, might it not?

Secretary HOUSTON. Yes, sir.

The CHAIRMAN. Have you considered the matter from the point of view of the people who may think it is a great wrong to put this water to beneficial use because of the possible injury to the natural beauties of the valley or because of the destruction of scenic values?

Secretary HOUSTON. In the first place, if I am correctly informed, it will add to the beauty rather than injure the appearance of the forest and the park. So that answers the question from that point of view. But I think there is a great deal of beauty in San Francisco to be conserved, and I think that the thousands of people there have some claims upon the Government. * * *

PINCHOT INDORSES BILL.

[Extracts from statement of Hon. Gifford Pinchot, former Chief Forester, before Public Lands Committee, House of Representatives, June 25, 1913.]

We come now face to face with the perfectly clean question of what is the best use to which this water that flows out of the Sierras can be put. As we all know, there is no use of water that is higher than the domestic use. Then, if there is, as the engineers tell us, no other source of supply that is anything like so reasonably available as this one, if this is the best and within reasonable limits of cost, the only means of supplying San Francisco with water, we come straight to the question of whether the advantage of leaving this valley in a state of nature is greater than the advantage of using it for the benefit of the city of San Francisco.

Now, the fundamental principle of the whole conservation policy is that of use—to take every part of the land and its resources and put it to that use in which it will best serve the most people—and I think there can be no question at all but that in this case we have an instance in which all weighty considerations demand the passage of the bill. * * * The construction of roads, trails, and telephone systems which will follow the passage of this bill will be a very important help in the park and forest reserves. The national forest telephone system and the roads and trails to which this bill will lead will form an important additional help in fighting fire in the forest reserves. As has already been set forth by the two Secretaries, the presence of these additional means of communication will mean that the national forest and the national park will be visited by very large numbers of people who can not visit them now. I think that the men who assert that it is better to leave a piece of natural scenery in its natural condition have rather the better of the argument, and I believe that if we had nothing else to consider than the delight of the few men and women who would yearly go into the Hetch Hetchy Valley, then it should be left in its natural condition. But the considerations on the other side of the question, to my mind, are simply overwhelming, and so much so that I have never been able to see that there was any reasonable argument against the use of this water supply by the city of San Francisco, provided the bill was a reasonable bill. * * * The (sanitary) regulations which are required are substantially what ought to be followed by any well-intentioned camper. * * *

In a colloquy with Hon. JOHN E. RAKER, member of the Public Lands Committee, Mr. Pinchot discussed the effect of the construction of roads and dam site in the Hetch Hetchy Valley. He agreed with Mr. RAKER that this work would make the valley more accessible and that the use of the park would be enormously increased. Mr. Pinchot, in reply to a question by Mr. RAKER, said he had never been able to agree with John Muir in the latter's attitude toward the Sierras.

Mr. Pinchot unequivocally indorsed the bill, and said there was no reason to delay its passage, as every possible phase of the subject had been investigated and discussed for 10 or 12 years. He said:

I am thoroughly and heartily in favor of it. I am in favor of reporting the bill now before the committee and passing it at this session.

GEOLOGICAL SURVEY CHIEF FAVORS BILL.

[Extracts from statement of Dr. George Otis Smith, Director of United States Geological Survey, before Committee on the Public Lands, House of Representatives, June 25, 1913.]

The Hetch Hetchy Valley must eventually be made into a reservoir. Now, I believe that the sooner that dam site is actually used, the sooner that reservoir is utilized, the better. * * * There are three parties, it seems to me, to this proposition. San Francisco, by reason of its claim for the highest use of the water; the Turlock-Modesto irrigation districts, by reason of their prior use and their actual dependence upon the Tuolumne watershed for their water; and, thirdly, the general public, which is interested in the full utilization of our water resources here, as elsewhere, and also interested by reason of special rights which they have in the national parks. I believe that the citizens of San Francisco and the other bay cities will receive pure water from the cheapest source, and they will also receive municipal power at a lower price. The irrigation interests, with their prior rights, are assured under the terms of this bill of a larger supply than they at present have upon what seems to me to be absolutely equitable terms. The third party to this contract, in the form of legislation, is the general public. The visitors to the park, if this plan is carried out, will have the northern part of the Yosemite National Park made more accessible, if not

indeed also more attractive. And right there I would say that in my opinion natural beauty has little value unless there is the human eye to see it.

The sanitary restrictions in the bill are not a bit more than should be placed upon any users of a national park, this and other national parks, whether San Francisco is to get the water from the park or not. In addition, this is necessary in order to protect the campers from themselves. * * *

To sum up, the proposed legislation appears to me to serve present needs without in the least compromising future needs. If we look ahead, there is also in this project some future possibilities of general benefit to the public, and not the least of these benefits will be the increased degree in which these national playgrounds of the high Sierra will be made more attractive to the general public because they will be more accessible.

I base my opinions on actual observation of the Hetch Hetchy Valley itself.

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I do not think that anyone else (than San Francisco) is liable to develop the Hetch Hetchy dam site, unless there is a reasonable hope that the irrigation use can be connected with the municipal and power use.

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No extensive argument is needed to show that the full utilization of the Tuolumne River is not only desirable but absolutely essential.

CHIEF FORESTER O. K'S PLAN.

[Substance of statement of Hon. Henry S. Graves, Chief Forester, before Public Lands Committee, House of Representatives, June 25, 1913.]

Mr. Graves analyzed the bill before the Land Committee, so far as it relates to the jurisdiction of the Forest Service. He approved the provisions and said that the telephones, trails, roads, etc., would materially assist in the proper conduct of the Stanislaus National Forest, and would result in good for all concerned. As to the bill itself, Mr. Graves said he had assisted in the preparation of Secretary Lane's report, which represented the agreed policy of the department, including the Forest Service.

NEWELL WANTS DAM BUILT.

[Extracts from statement of Hon. F. H. Newell, chairman United States Reclamation Commission, before Public Lands Committee, House of Representatives, June 25, 1913.]

I agree fully with what has been stated by the representatives of the departments in this particular case. I made a study of the water supply of the higher Sierras 18 years ago. I made this study in the Hetch Hetchy Valley as well as in the surrounding area. It was found then that the irrigation development of the valley (San Joaquin) would require the building of a reservoir in that place. At that time we did not anticipate the needs of the city of San Francisco, and in fact gave that no consideration; but we are now fully aware that the ultimate development of the city of San Francisco will require the use of this reservoir site. Now, touching the question of the destruction of the natural beauty of the valley, I will say that, having been concerned with the building of many large reservoirs, I have naturally come to believe that there is nothing more beautiful than a well-built dam with a reservoir behind it. * * *

Those of us who have been handling this water-supply question feel that the municipal or domestic use is so far superior to any other use that it does not enter my mind that there can be any competition. * * * You can supply, perhaps, one hundred times as many people with water for domestic use in a city as could be supplied for irrigation purposes.

Mr. Newell discussed at great length with the members of the committee the cost of water for irrigation and the reasonable investment that should be made by landowners. He stated that in his opinion no encouragement could be held out to irrigationists that the Government would build a reservoir at Hetch Hetchy, the water to be used for irrigation purposes. In his opinion the construction by San Francisco of the Hetch Hetchy Dam would materially benefit the irrigationists and promote conservation. He approved the passage of the bill.

ARMY BOARD TELLS COMMITTEE BILL SHOULD PASS.

[Extracts from statement of Col. John Biddle, chairman of the Board of Army Engineers which investigated and reported upon the San Francisco water problem, before the Public Lands Committee, House of Representatives, June 26, 1913.]

Responding to Chairman FERRIS, Col. Biddle stated that he was stationed in San Francisco from 1907 to 1911 and was in general charge of the rivers of California, and in that way became familiar, to a certain extent, with them, and also with the water situation in California. He further stated that the Army board was appointed in 1910, while he was stationed in California, and that the other members of the board went out there. In 1911 the board went over several of the important sources of supply, and in 1912 the board again went out there and went over a number of these sources. In addition, Col. Biddle said that he had personally seen most of the sources in question.

Following are quotations from testimony of Col. Biddle:

The city of San Francisco obtains its water supply at present from sources all within about 50 miles of the city. It has been recognized for some years past that these sources were insufficient, and therefore San Francisco has been investigating supplies from other points. Early investigation convinced the engineers employed by the city that the most economical supply was from the upper Tuolumne River, making use of two main reservoir sites, Lake Eleanor and Hetch Hetchy Valley, lying within the Yosemite National Park. * * *

Col. Biddle recited the appointment of the Board of Army Engineers, and stated that two inspections of the reservoirs in the Yosemite Valley and other proposed sites were made, and also that very comprehensive inspections of the available sites were made. In addition, Mr. H. H. Wadsworth, assistant engineer, United States Engineer Service, was secured by the board to make further investigations and examinations. Mr. Wadsworth had been in the employ of the engineer department in California and is familiar with the rivers and reservoir sites in central California. Mr. Wadsworth spent about a year and a half on duty in connection with the work of the Army board.

Resuming, Col. Biddle says:

While the city of San Francisco makes the application, the other cities on the bay are also vitally interested, as in most cases the water supply in those communities is nearing its limit of development, and the more important ones have already taken such steps as seem desirable to join San Francisco in obtaining a new water supply.

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The board took into consideration all possible sources of water supply.

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The Hetch Hetchy supply is estimated to cost $77,000,000, spread over a number of years. The second and third sources are estimated to cost from $97,000,000 to $99,000,000.

The data and analysis of these projects appear in the Army board report (H. Doc. No. 54) and also in the hearings before the Public Lands Committee, beginning at page 50. Reference to these reports and hearings is hereby made.

Resuming extracts from the hearings:

Mr. TAYLOR of Colorado. If you know any reason why we should pass this bill, tell us that reason.

Col. BIDDLE. The reason why you should is that San Francisco has to have the water; that it is a perfectly practicable way, and by far the most economical way. * * * The power development in the Hetch Hetchy is greater than it is at any other source of supply.

Col. Biddle then analyzed the possible alternative sources, which analysis is to be found in the printed hearings, page 56 et seq. He said that all these alternative sources were much more expensive and presented greater engineering difficulties than the Hetch Hetchy. He stated further that, in his judgment, San Francisco would meet opposition from the irrigationists and others if other sources were selected. Further, Col. Biddle stated that it would take San Francisco longer to obtain water rights in other systems, whereas the city now owns the water rights in the Hetch Hetchy. He also stated that the city owns the greater part of the floor of the Hetch Hetchy Valley and a small part of the dam site.

Resuming extracts:

The CHAIRMAN. Are you acquainted with the sentiment of the people of San Francisco touching the supply they desire?

Col. BIDDLE. Yes, sir; the sentiment is overwhelmingly in favor of the Hetch Hetchy supply.

The CHAIRMAN. There can be no question about that?

Col. BIDDLE. None whatever.

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Col. BIDDLE. There is no question in my mind that the Hetch Hetchy is the best water supply for San Francisco, and that it is the most economical that can be obtained; it can be obtained more promptly, and is better in every way * * *.

The CHAIRMAN. With the information before you, coupled with the results of these two investigations, if you were a member of this committee, having due regard for the rights of the irrigation people, and having due regard for the rights of the nature lovers, who believe that you should not interfere with the Yosemite National Park, and having due regard for the needs of San Francisco, which system would you vote for?

Col. BIDDLE. I would vote for the Hetch Hetchy system.

The CHAIRMAN. You would vote for the Hetch Hetchy system?

Col. BIDDLE. Yes, sir.

The CHAIRMAN. Would you feel, in casting a vote of that kind, that you had inflicted a greater wrong upon the irrigation people and the nature lovers than if you voted for one of the other systems?

Col. BIDDLE. No, sir; so far as the nature lovers are concerned, my own preference is for a valley, for the reason that the Sierras are full of beautiful lakes. While there are, of course, a number of valleys, there are very few like the Hetch Hetchy. There are very few in the whole Sierras; still it would be very beautiful as a lake. The difference between the Yosemite Valley and the Hetch Hetchy, in my opinion, is that the Yosemite is far grander than the Hetch Hetchy, but the floor of the Hetch Hetchy is more attractive. The cliffs and waterfalls of that valley are wonderful, and would not be injured by the creation of a lake. So, with this lake you would still have a wonderful piece of scenery. Then, of course, the facilities that the city would give would afford more people an opportunity to visit the valley.

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I think the city of San Francisco is agreeing to do a very reasonable thing and that the roads and trails required will satisfy the demand.

The CHAIRMAN. As matters now stand, it would be pretty extravagant for poor people to undertake to go there?

Col. BIDDLE. It is impossible for them to go in there, unless they go in with knapsacks on their backs. In the early summer the mosquitoes are very bad, and in the late summer it is too hot in the Hetch Hetchy Valley.

Col. Biddle stated that the Hetch Hetchy Lake would be 6 or 7 miles long by 1½ miles wide and would flood an area of approximately 1,100 acres.

Col. Biddle also stated that the proposed sanitary regulations "are such as should be made anyhow, if the park is to be used by any large number of people." Answering a question on this subject, Col. Biddle added:

I think that as soon as the park begins to be used to any extent it will be necessary to have the same rules for the protection of campers as for the protection of the people of San Francisco.

Discussing necessity for a long look ahead in California, on account of the general lack of water, Col. Biddle said:

Cities situated as San Francisco have to look a long time forward. Here at Washington, for instance, you have the Potomac River, and the chances are that the water situation, so far as Washington is concerned, 50 years hence will be the same as it is to-day. In the case of San Francisco, however, there will be danger of so many water rights and water use developments that it might be almost impossible 50 years from now to obtain water rights without great expense and even hardship to agricultural communities. That is the reason we take that advanced date.

Responding to the chairman, the other members of the Army board expressed their views:

Col. COSBY. I concur fully in the statement of Col. Biddle. There is only one small point of difference, and that is as to whether the Hetch Hetchy Valley would be more attractive with this reservoir in it than in its present condition. I believe that with the lake it would be even more beautiful than it is in its natural condition.

TAYLOR AND COSBY INDORSEMENTS.

Col. TAYLOR. There is not the slightest question in my mind but that this should be used as the source of water supply, and not only that, but that it will be used as a water supply in a very short time independently of whether this project is adopted or not. I think that the pressure will be so great to conserve the water up there that it will be used as a storage reservoir. It is by far the best storage reservoir in that section of the country, and water is so valuable up there that they can not afford to let it run to waste. If you deny the use of it to San Francisco, sooner or later the water will be put to other uses. Somebody will be asking for permission to utilize the Hetch Hetchy Valley as a storage reservoir for irrigation purposes. This water will certainly be used for the city of San Francisco or for irrigation purposes.

Col. COSBY. I presume the members of the committee fully understand how inaccessible the Hetch Hetchy Valley is. I think the roads will make it accessible to a greater number of people. At the present time I think that there are practically only two classes of people who use it, people who are unusually wealthy, or people who are unusually strong and healthy and are able to make the trip.

CITY'S POINT OF VIEW.

[Extract from statement of Hon. James D. Phelan, former mayor of San Francisco, and representative of Mayor James Rolph, jr., and the city of San Francisco.]

I will emphasize the fact that the needs of San Francisco are pressing and urgent. A large number of our population has been lost to Oakland, Alameda, and Berkeley by reason of the fact that we have never had adequate facilities, either of transportation or of water supply. So San Francisco, the chief Federal city on the Pacific coast, asks the Federal Government for assistance in this matter by grant and not by money. It has obligated itself to pay $70,000,000 for a water supply. We have endeavored to satisfy the needs of the irrigationists in good faith, as well as the local water monopoly, and we come this year to Washington, I think, with the good will of those heretofore opposed to us, possibly with the exception of the gentlemen who are devoted to the preservation of the beauties of nature.

As Californians, we rather resent gentlemen from different parts of the country outside of California telling us that we are invading the beautiful natural resources of the State or in any way marring or detracting from them. We have a greater pride than they in the beauties of California—in the valleys, in the big trees, in the rivers, and in the high mountains. We have the highest mountain in the United States in California, Mount Whitney, 15,000 feet above the sea, as we have the lowest land, in Death Valley, 300 feet below the sea. We have the highest tree known in the world, and the oldest tree. Its history goes back 2,000 years, I believe, judged by the internal evidences; as we have the youngest tree in the world, Luther Burbank's plumcot.

All of this is of tremendous pride, and even for a water supply we would not injure the great resources which have made our State the playground of the world. By constructing a dam at this very narrow gorge in the Hetch Hetchy Valley we create not a reservoir but a lake, because Mr. Freeman has shown that by planting trees or vines over the dam the idea of a dam, the appearance of a dam is entirely lost; so coming upon it it will look like an emerald gem in the mountains; and one of the very few things in which California is deficient, especially in the Sierra, is lakes, and in this way we will contribute, in a large measure, to the scenic grandeur and beauty of California. I suppose nature lovers suspecting a dam there not made by the Creator will think it of no value in their estimation, but I submit man can imitate the Creator—a worthy Examplar. I remember the story of John Hay's "Little Breeches," which describes the old fellow who, believing in nothing that was religious or good, and having been told, after his child recovered, that he had wandered away in the woods and must have been restored by the angels, said:

To restore the life of a little child
And bring him back to his own,
Is a darned sight better business
Than loafing 'round the throne.

To provide for the little children, men, and women of the 800,000 population who swarm the shores of San Francisco Bay is a matter of much greater importance than encouraging the few who, in solitary loneliness, will sit on the peak of the Sierra loafing around the throne of the God of Nature and singing his praise. A benign father loves his children above all things. There is no comparison between the highest use of water—the domestic supply—and the mere scenic value of the mountains. When you decide that affirmatively, as you must, and then on top of that, that we are not detracting from the scenic value of the mountains, but enhancing it, I think there is nothing left to be said.

All the Members of Congress from California are favorable to the grant to San Francisco under the provisions of the bill.

A written statement for the Turlock and Modesto Irrigation Districts was presented by the authorized representatives of said water district, which approved the bill as drafted and reserved the right to object should the conditions relating to those irrigation districts be eliminated or materially modified. These districts have telegraphed their approval of this bill.

For the purpose of presenting bill H. R. 7207 with its provisions fully before the House, an analysis is made thereof, as follows.

Section 1 provides a grant of all necessary rights of way not exceeding 250 feet, as in the judgment of the Secretary of the Interior and the Secretary of Agriculture are required for the construction and operation of a water-supply system for the city of San Francisco and other cities which may hereafter join in the Metropolitan Water District about San Francisco Bay. The grantee is required to file maps showing proposed location of rights of way, power houses, pole lines, roads, trails, bridges, and so forth, and procure the approval of the Secretary of the Interior as to these locations. Within the jurisdiction of the Stanislaus National Forest, the approval of the Secretary of Agriculture must be procured. This section is analogous to and practically identical with the grant made to the city of Los Angeles for a water-supply system from the Owens River.

Section 2. This section requires the grantee to file with the registers of the United States land offices within three years all maps showing boundaries or locations, and prohibits permanent construction work until maps shall have been filed and approved. Proviso 1 permits changes in location by approval when engineering problems are met and such changes are advisable. Proviso 2 provides that the rights of the grantee already procured shall be given due consideration and relate back to the filing of maps as provided in this section. Proviso 3 is to the effect that copies of maps already filed and approved under previous permits may be approved by the Secretary of the Interior.

Section 3 provides that the rights of way granted shall not be effective over homestead, mining, or other valid claims which in law constitute prior rights unless the grantee shall procure relinquishment by due process and just compensation; and, further, the section provides that any such entryman or claimant shall have the right to sell and the grantee shall have the right to purchase rights of way over homesteads or other claims. A proviso prescribes that the act shall not apply to lands embraced in rights of way heretofore approved for the benefit of any party other than the said grantee or its predecessors in interest.

(The language of section 3 and preceding sections is designed to protect the vested rights heretofore procured by the grantee or others.)

Section 4 provides that the grantee shall conform to all regulations prescribed to govern the Yosemite National Park and the Stanislaus National Forest, and further provides that no timber shall be cut in the national park or in the forest reserve except such timber as may be actually necessary to construct, repair, and operate its water and electric power system. All timber cut shall be designated by the Secretary of the Interior or the Secretary of Agriculture where such timber is outside the right of way. Proviso 1 prohibits the cutting of any timber in the Yosemite National Park, except from land to be submerged or which constitutes an actual obstruction to the rights of way or to any road or trail provided in the act, and to preserve artistic harmony the grantee is compelled to submit designs and structures to the Secretary of the Interior for approval. It is intended that all permanent dams, buildings, etc., shall conform to the landscape surroundings.

(The grantee acquiesces in this proviso, which is designed to prevent the cutting of a stick of timber in the Yosemite National Park, and thus prevent any possible destruction of trees within the reservation, and also to make the park as artistic as possible.)

Proviso 2 of section 4 requires the grantee to construct and maintain bridges and crossings over its rights of way of such character and construction as may be prescribed by the Secretary of the Interior or the Secretary of Agriculture, and, further, the grantee shall, upon order of the United States officials, construct and maintain fences along the rights of way. It is still further provided that the grantee shall clear its rights of way of débris and inflammable material, thus preventing forest fires, and also shall permit the free use by Government officials of all trails, telephone and telegraph lines, railroad and other utilities which may be constructed as adjuncts to the water-supply system. (The requirements of this section cause the grantee to expend a considerable sum in the improvement of the park and the forest reserve and make access to these public places easy and comfortable. The expenditure of this money for this purpose is a consideration, in part, for the grant.)

Section 5 provides that the grant by the Federal Government is an easement and that the lands shall be disposed of only subject to such easement. Proviso 1 compels the grantees to diligently prosecute its construction work without cessation, and in the event that such construction work ceases for a period of three years and the Secretary of the Interior determines the grantee has not been duly diligent, all rights under the grant may be declared forfeited by suit in the United States District Court for the Northern District of California. The Attorney General is required to prosecute such suit to final judgment

when requested to do so by the Secretary of the Interior. Proviso 2 provides that the Secretary of the Interior shall not attempt to make a forfeiture if the work of the grantee has been delayed or prevented by the act of God or the public enemy, or by engineering or other special or peculiar difficulties which could not have been reasonably foreseen and overcome and were beyond the control of the grantee. Proviso 3 compels the grantee to at all times comply with the regulations authorized by the act, and in the event of material departure from said regulations the United States officials may take such action as may be necessary, in the courts or otherwise, to enforce such regulations.

Section 6 provides that the grantee is prohibited from selling or letting to any corporation or individual, except a municipality, a water district, or an irrigation district, the right to sell or sublet the water or electric energy sold or given to it by the grantee; it is provided also that the rights under the grant shall not be subject to sale, assignment, or transfer to any private person, corporation, or association.

(This provision, acquiesced in by the grantee, was designed to prevent any monopoly or private corporation from hereafter obtaining control of the water supply of San Francisco.)

Section 7 provides that for and in consideration of the grant the grantee shall make certain payments, the proceeds of which are to be used exclusively for the construction of roads and other improvements in the Yosemite National Park and other national parks in the State of California. The theory of this section is that San Francisco is receiving certain privileges and benefits from the national park, and that the consideration is for the use of public lands now owned by the United States. The payments proposed will, it is estimated, amount to more money annually than is at present charged to private corporations under similar Federal conditions. It is proposed that the grantee shall pay, beginning five years after the passage of the bill, the sum of $15,000 annually for a period of 10 years; $20,000 for a period of 10 years thereafter; and, unless otherwise provided by Congress, $30,000 annually for the remainder of the term of the grant. The moneys so paid are to be kept in a separate fund by the United States and applied to park improvements as designated by the Secretary of the Interior. Congress retains the power to revise the schedule.

(The amounts specified in this section are approved by the Secretary of the Interior and his subordinates. The method of providing for improvement of the park is also approved.)

Section 8 defines the grantee as the city of San Francisco and such other municipalities or water districts which may, with the consent of the city or in accordance with the laws of the State of California, hereafter participate in or succeed to the beneficial rights and privileges of the act.

(The cities about the Bay of San Francisco have always approved the granting of the Hetch Hetchy reservoir site to San Francisco, with the understanding that these cities may in the future join with the city of San Francisco in a metropolitan water district. The State law of California provides for the creation of a metropolitan water district, and because of this law the bay cities have not requested at this time to be made cograntees. They know they will have the privilege to share in the benefits after San Francisco has made the necessary investment and brought the needed water to the bay cities for domestic use.)

Section 9 requires the grantee to observe sanitary regulations within the Hetch Hetchy watershed and around reservoir sites. These regulations provide that no human excrement, garbage, or other refuse shall be placed in the waters of any reservoir or stream, or within 300 feet thereof; and, further, that all sewage from permanent camps or hotels within the watershed shall be filtered by natural percolation through porous earth or otherwise adequately purified; and, further, no person shall bathe, wash clothes or cooking utensils, water stock, or in any way pollute the water of the reservoirs constructed under this grant or the streams leading thereto within 1 mile of said reservoir. The cost of inspection necessary to enforce sanitary regulations is to be paid by the grantee, and such inspection shall be under the direction of the Secretary of the Interior. Should these regulations prove insufficient to the grantee, then the grantee shall install a filtration plant, and no other sanitary rules or restrictions shall be granted.

(These sanitary regulations were prepared by experts of the United States Government, and Mr. Allen Hazen, and Prof. Whipple, and are approved by the Board of Army Engineers, the Secretary of the Interior, the Director of the Geological Survey, and others. It is intended that the use of the watershed shall be free to campers and visitors, and that no onerous or prohibitive sanitary regulations shall ever be imposed. The sanitary experts assert that the storage of water in the Hetch Hetchy reservoir will insure adequate purity, and the Government officials assert that the regulations herein are only those required by common decency and for the protection of campers themselves; and, further, these regulations are practically identical with the rules now in force in the Yosemite National Park.)

Paragraph (b), section 9, provides that the grantee shall recognize the prior rights of the Modesto and Turlock irrigation districts to 2,350 second-feet of water. This provision permits of the enlargement of the districts as now constituted by an additional area of 43,000 acres, but does not affect the distribution of water.

(The irrigation districts having prior rights desire that those rights be recognized on the theory that the Government, having the right to refuse the grant to San Francisco, has therefore the right to place lawful conditions therein. The recognition of these priorities does not impinge upon California State law or modify existing rights.)

Paragraph (c), section 9, is a condition that the grantee shall be required to release the necessary amount of stored water to assure the flow of 2,350 second-feet included in the priorities of the irrigation districts; and, further, condition (c) recognizes the rights of the said irrigation districts to take 4,000 second-feet of water out of the natural flow of the Tuolumne River during a period of 60 days following and including April 15 of each year.

(Condition (c) is a limitation upon the grant, according to the theory of the bill, and is protective of rights already acquired and which can not be disturbed so far as they relate to the irrigation districts. The provision relating to the 4,000 second-feet of water is to provide for the beneficial use by the irrigationists of water which otherwise goes to waste. In the period mentioned, April 15 to June 15, the Tuolumne River is a torrential flood. Fifty miles of watershed intervene between the Hetch Hetchy Dam and the dam of the irrigationists at La Grange. It is proposed that the irrigationists may take up waste waters, store them, and thus lessen the possible draft upon the stored waters of the city. It should be borne in mind that San Francisco does not contemplate interfering with the natural flow of the Tuolumne. The intent is to store flood waters which come from melting snows and leave the normal flow of the river uninterrupted. The benefit to the irrigation districts in this provision is that the landowners will receive the benefit of an investment of approximately $50,000,000 without being compelled to put up any part of the cost, and the construction of the system will insure the priorities of the irrigationists and they will receive water in the dry period, when it is most needed. Without the construction of the Hetch Hetchy Dam there can be no flow in the river during the summer and fall.)

Paragraph (d), section 9, provides that the grantee shall sell unused stored water needed for beneficial use on irrigable lands at cost, to be computed by the Secretary of the Interior. The minimum and maximum of such stored waters to be so delivered to the irrigation districts is to be regulated each calendar year, and if the irrigation districts develop sufficient water in the foothill reservoirs for their own needs then the said grantee shall not be required to sell or deliver any stored waters. It is also provided that water used for the generation of electric power be released in the Tuolumne River free.

(The theory of condition (d) is that after the domestic needs of the city are satisfied and a surplus remains then the irrigation districts shall have the right to purchase so much of this surplus as may be beneficially used. In the event of any dispute the Secretary of the Interior may be called in to adjust the differences.)

Paragraph (e), section 9, provides that the Secretary of the Interior shall fix the minimum and maximum of stored waters to be released, and he shall also fix the price to be paid therefor, in accordance with the provisions of paragraph (b).

Paragraph (f), section 9, provides that the Secretary of the Interior shall revise the maximum and minimum amounts of stored water to be released whenever the irrigation districts shall have properly developed certain reservoir and storage dams in the foothills. In the purview of this condition the irrigationists may not be required to expend more than $15 per acre-foot storage capacity for the development of local storage, and it is further provided that the grantee may require the stoppage of excessive water losses and waste because of defective ditches.

(This and preceding conditions are acquiesced in by the grantee and by the irrigation districts. The provision is the result of an amicable settlement between the two parties.)

Paragraph (g), section 9, provides that the grantee shall not be required to supply stored water to the irrigation districts until the latter shall have first drawn upon their own stored water to the fullest practicable extent.

(This is also agreeable to all parties.)

Paragraph (h), section 9, provides that the grantee shall not divert beyond the limits of the San Joaquin Valley any waters of the Tuolumne watershed in excess of the amount to be used for domestic and municipal purposes.

(The purpose of this provision is to make possible the use of surplus waters of the San Joaquin Valley and prevent the use of possible surplus for irrigation of lands remote from the Tuolumne River. John R. Freeman, consulting engineer for San Francisco, suggested that surplus water might be economically used for intensive farming in lands contiguous to San Francisco Bay. Inasmuch as San Francisco expects to purchase the local water supply, and thus acquire sufficient water for local irrigation purposes, it was deemed advisable and economical to provide that surplus from the Tuolumne should be used in the San Joaquin Valley. This is an economic use of water for the highest purpose of all concerned.)

Paragraph (i), section 9, provides that the grantee shall at its own expense provide water-measuring apparatus and keep hydrographic records, which apparatus and records shall be open to inspection by any interested party at any time.

Paragraph (j), section 9, is the engineers' definition of the flow of the Tuolumne River.

Paragraph (k), section 9, requires San Francisco to build a dam at least 200 feet high.

(This means that the city will expend from $500,000 to $1,000,000 in excess of initial expenditures necessary for its immediate needs. The intent is to build the dam high enough to provide adequate storage to meet the conditions of the grant, and is primarily a benefit for the irrigationists.)

Paragraph (l), section 9, provides that the grantee shall sell excess of electrical energy to the irrigation districts and municipalities within the irrigation districts for the beneficial use of landowners, whenever such excess is not required for the actual municipal purposes of the grantee. It is also provided that no power plant shall be interposed on the conduit of the grantee, except by the grantee itself. The proviso of the paragraph is that the grantee shall first satisfy the needs of landowners for pumping water for drainage or irrigation and the needs of the municipalities within the irrigation districts for municipal purposes before excess of electrical power may be sold for commercial purposes.

(This is a direct benefit to the irrigationists, and places no burden or hardship upon the grantee.)

Paragraph (m), section 9, provides for the development of electric power. The grantee is required to develop 10,000 horsepower within three years after the completion of that portion of the system which is usable for power development. Within 10 years thereafter the grantee shall develop 20,000 horsepower; and within 15 years 30,000 horsepower; and within 20 years 60,000 horsepower; unless, in the judgment of the Secretary of the Interior, the public interests will be satisfied with a lesser development.

The prices of electricity are to be fixed under the laws of California, or if there be no such laws, at prices approved by the Secretary of the Interior, such prices to return to the grantee actual cost of construction.

Paragraph (n), section 9, provides that if the grantee fails to develop horsepower as directed herein, then the Secretary of the Interior may lease to such person or persons as he may designate those portions of the rights of way, structures, dams, etc., as may be necessary for development, use, and sale of power which the grantee has failed or neglected to develop.

(This is a forfeiture penalty to prevent cold storage of power possibilities.)

Paragraph (o), section 9, provides that rates to be charged for power for commercial purposes (in the event that lease is made to another party under paragraph (n)) shall conform to the laws of the State of California, or in the absence of any such law shall be subject to approval by the Secretary of the Interior; and it is also provided that all records, books, etc., shall be open to inspection by the Secretary of the Interior.

Paragraph (p), section 9, provides for the building of roads and trails in the Yosemite National Park as designated by the Secretary of the Interior.

(The routing of these roads and trails was made by Mr. Marshall, of the Geological Survey, who surveyed the Hetch Hetchy Valley and is familiar with all the scenic and topographical conditions there. These roads will cost the city of San Francisco $500,000 to $1,000,000, and are to be turned over, free of charge, to the United States. This is one of the important considerations, and carries compensation to the Government for the rights of way granted. The construction of these roads will make the Hetch Hetchy Valley accessible and will provide a convenient and easy way for mountaineers to reach the higher parts of the Sierra. The paragraph also contains a requirement that the grantee shall provide a water supply for camp purposes at the Meadow camping place, a third of a mile from Hetch Hetchy. It is also provided that all trail and road building shall be done subject to the approval and direction of the Secretary of the Interior or the Secretary of Agriculture, according to their respective jurisdictions.)

Paragraph (q), section 9, provides that the grantee shall furnish water at cost to any authorized occupant within 1 mile of the reservoir, and shall repair and maintain roads and trails constructed under the provisions of the grant.

Paragraph (r) provides that the grantee shall pay all the cost of inspection and investigations which may be required of the Department of the Interior where such investigations and inspection involve expense to the department.

Paragraph (s) provides that the grantee shall file an acceptance of the conditions of this act within six months after its passage.

Paragraph (t) requires the grantee to convey to the United States any and all tracts of land now owned by the city within Yosemite National Park or the national forest, which lands are not actually required for use under the provisions of this act.

(The city of San Francisco purchased private lands for the purpose of exchanging the same with the Government in lieu of that portion of the floor of the Hetch Hetchy Valley which is not owned by the city. The purpose of this plan is to provide suitable and desirable camping places for visitors who may wish to visit the Sierra and who would otherwise have camped in the Hetch Hetchy, and at the same time compensate the United States for lands to be submerged.)

Paragraph (u) provides that the grantee shall sell the water at cost to the military reservations at San Francisco. This was requested by the Secretary of War and is acquiesced in by the city.

Section 10 provides that the conditions of this grant shall be a binding obligation upon the grantee so far as the conditions relate to the irrigation districts.

Section 11 provides that this act shall not be construed as affecting or intending to affect or in any way to interfere with the laws of the State of California relating to the control, appropriation, use, or distribution of water or any vested right acquired thereunder, and the Secretary of the Interior is directed to proceed in conformity with the laws of the State of California in carrying out the provisions of this act.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I yield to the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing the whole of the article from the New York Times to which I referred in my question to the gentleman from California.

Mr. FERRIS. Reserving the right to object, Mr. Chairman, I would like to ask what the article is.

Mr. WILLIS. The article is from the New York Times, concerning which I interrogated the gentleman from California [Mr. RAKER]. It is an article on this subject.

Mr. FERRIS. I have no objection.

The CHAIRMAN. Is there objection?

There was no objection.

The article is as follows:

A NATIONAL PARK THREATENED.

Why the city of San Francisco, with plenty of collateral sources of water supply, should present an emergency measure to the special session of Congress whereby it may invade the Yosemite National Park is one of those Dundrearian things that no fellow can find out. The Hetch Hetchy Valley is described by John Muir as a "wonderfully exact counterpart of the great Yosemite." Why should its inspiring cliffs and waterfalls, its groves and flowery, parklike floor be spoiled by the grabbers of water and power? The public officials of San Francisco are not even the best sort of politicians. As appraisers and appreciators of natural beauties their taste may be called in question.

It is the aggregation of its natural scenic features, the Secretary of the Interior declared to the would-be invaders of the park when a decade ago they presented their first petition, that "makes the Yosemite Park a wonderland, which the Congress of the United States sought by law to preserve for all coming time." Their application was rejected. Now they have obtained from the Board of Army Engineers a report approving their project as an emergency measure, which is based on incomplete, erroneous, and false evidence. The engineers say in their report that they have merely passed on such data as were presented by the officials of San Francisco, since they had neither time nor money to investigate independently the various projects presented. But San Francisco's officials have withheld from these data the report upon the Mokelumne River and watershed, submitted April 24, 1912, in which Engineers Bartel and Manson declare that this system is capable of supplying to the city of San Francisco between 280,000,000 and 430,000,000 gallons daily, the larger amount if certain extinguishable rights

are disposed of. Even on their insufficient data, the Army engineers report that San Francisco's present water supply can be more than doubled by adding to present near-by sources and more economically than by going to the Sierras.

The suppressed report, showing that the Mokelumne River is a better and cheaper source than the Hetch Hetchy, says that between 600,000,000 and 700,000,000 gallons of water outside the park may be delivered daily into San Francisco and the adjacent bay region, supplying their growing needs for perhaps a century to come. Representative SCOTT FERRIS, chairman of the park lands committee, has been apprised of the existence of this report. A receipt of the copy is worth waiting for. If the water-power grabbers are put off this session, or two or three or many more sessions, before gaining an entrance to the Hetch Hetchy Valley, the dwellers of San Francisco will not go thirsty.

Mr. MONDELL. Mr. Chairman, before I begin any extended statement on the bill under consideration I wish to call attention to the fact that quite a number of very good people in the country have misunderstood my attitude in regard to the legislation. I was chairman of the Committee on Public Lands in 1909, at the time when a bill proposing to grant San Francisco the right to utilize the Hetch Hetchy Valley for storage purposes was before the committee. The committee unanimously reported against that bill. Mr. Robert Underwood Johnson, John Muir, and many other good people in the country, lovers of nature, desirous of maintaining our national parks as pleasure grounds for all the people, were opposed to the legislation at that time, as they are at this time. The adverse report of the committee at that time was not, however, based to any considerable extent on the arguments made by those gentlemen; nor was it altogether predicated on the proposition that San Francisco ought never to be allowed to use the Hetch Hetchy Valley for storage purposes. It was based largely on the fact that at that time San Francisco had not, we thought, sufficiently examined other possible sources of water supply, and more particularly because the legislation itself contained a number of provisions that were held to be highly objectionable, to quote the language of the report:

The legislation is objectionable for reasons which take it out of the category of legislation of doubtful propriety and expediency and place it in that of doubtful constitutionality, and of unquestionably mischievous and dangerous character.

So that report was not intended to voice the conviction of the committee against San Francisco using the Hetch Hetchy Valley, and certainly it was not based on the proposition that the utilization of the Hetch Hetchy Valley by San Francisco would necessarily be a misfortune from a public standpoint. But the nature lovers, the gentlemen to whom I have referred, high-minded, disinterested men, knew that the committee did take into consideration their views and that it was one of the matters that persuaded us to order an adverse report; and so the same gentlemen have assumed that, as I wrote the report of 1909, I would take an adverse position at this time.

Mr. Johnson, in a circular letter which he sent out, which was placed in the RECORD at the instance of the gentleman from Illinois [Mr. MANN] this morning, asked those opposed to the use of the valley by San Francisco to write me or the Senator from Utah, the Hon. REED SMOOT. I have received, I think, about 60 letters, all of them, or most of them, from people well known in the country—men whose motives are of the best, men to whose opinion I am much inclined to defer—all of them opposing the grant on the ground that the Hetch Hetchy Valley should be retained in its present condition. As much as I appreciate the motives which actuate these gentlemen, as much as from a sentimental standpoint I am inclined to agree with them, I feel that the situation is such that we can not afford to deny the use of the Hetch Hetchy Valley as a storage reservoir for the reasons they suggest. Eventually and in the running of time, every available storage possibility west of the Sierras must be utilized, and the Hetch Hetchy Valley will eventually be a storage reservoir either for the supply of San Francisco and surrounding cities for domestic and allied purposes or for the purposes of irrigation in the San Joaquin Valley. If I were a Californian living outside of the influence of San Francisco, I am rather inclined to think that I should insist that the Hetch Hetchy should be held for the uses of irrigation.

Mr. KAHN rose.

Mr. MONDELL. I trust that the gentleman will not interrupt me at present. I will endeavor to make a fair statement, and the gentleman knows that I have given a good deal of study to this matter. As I say, I have been rather inclined to think that the Hetch Hetchy Valley should be held for the uses of irrigation rather than utilize it for the use of San Francisco and the surrounding cities, for a number of reasons. There are a number of other possible sources of water supply for San Francisco. Everyone acquainted with the situation must admit that, although they may not be as satisfactory to San Francisco as Hetch Hetchy for a number of reasons.

On the other hand, the Hetch Hetchy Valley is the only source of water supply for the full and complete irrigation of certain portions of San Joaquin Valley, and without any desire to influence anyone with regard to his vote on this bill, but to state the matter absolutely fairly as I see it after careful consideration, I think I am justified in saying that we must admit that the granting of the use of the Hetch Hetchy to San Francisco will have the effect of dooming certain areas of the San Joaquin Valley that might otherwise be irrigated to perpetual aridity. Now, of course, that is an expression of opinion. People may not agree with me—the gentleman from California may not agree with me, but that is my personal view.

Mr. FERRIS. If the gentleman will permit, I know the gentleman is familiar with the bill and I am sure he will admit that the annual flow of the Tuolumne River is in no wise interfered with, and in addition to that some of the flood waters——

Mr. MONDELL. It is true that the right of the valley to the use of the normal flow during the irrigation season is recognized. San Francisco is proposing to conserve the entire flood and winter flow of the Tuolumne River, providing the Hetch Hetchy Valley will hold it, and that means a complete utilization primarily for the bay cities and for the irrigated districts to a certain extent as well. I do not say that fact should be controlling in deciding as between the two uses, but I do say that candor compels us to admit that as a feature of the situation that can not be overlooked. If I were a Californian, to repeat my former statement, living outside of the influences of San Francisco, I am inclined to think I should hold to the view that San Francisco should go elsewhere for her water supply and that the Hetch Hetchy storage should be eventually utilized for the irrigation of the San Joaquin Valley.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. In a moment. Whichever way you view it that disposes of the proposition that you can not or must not use the valley for a reservoir.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. Now, Mr. Chairman, I expect to use the full hour. I have quite a number of things to say and prefer not to be interrupted unless I may have an extension of time.

Mr. RAKER. The gentleman has been very accommodating to me and I will not interrupt.

Mr. MONDELL. I will be delighted to be interrupted, it will please me very much to be interrupted and yield for an interruption, particularly to the gentleman who is so well informed, but I would like to say to the House that if I am to be interrupted I shall ask for a slight extension of time and if there is no objection to that I will be delighted to yield to the gentleman now.

Mr. RAKER. Personally, I have no objection, because I always like to hear the gentleman talk. While I may differ from him I always like to hear him discuss questions which he knows so well.

Mr. MONDELL. No better than the gentleman from California who has just spoken.

Mr. MANN. The gentleman ought not to assume there is going to be an extension of time. Could not we reach an agreement now as to time?

Mr. FERRIS. I think we could.

Mr. MANN. I understand it is the intention of the gentleman in charge of the bill to move that the committee rise at half past 4 o'clock to accommodate a Democratic caucus?

Mr. FERRIS. That is true.

Mr. MANN. And ask that the House meet to-morrow at 11 o'clock?

Mr. FERRIS. That is true.

Mr. MONDELL. I hope this does not come out of my time, Mr. Chairman.

Mr. MANN. It is an hour and three-quarters more now. How much more time do you want on that side of the House?

The CHAIRMAN. The Chair will state that several gentlemen have spoken to the Chair asking to be recognized, probably consuming an hour and a half to two hours.

Mr. FERRIS. We can not conclude to-day.

Mr. MANN. But I think we can close general debate to-morrow morning by unanimous consent.

Mr. FERRIS. If it is agreeable to the gentleman, I will ask unanimous consent that we run to-day until 4.30——

Mr. MANN. You can not do that.

Mr. FERRIS. In the committee, after which it is tacitly agreed we will rise and then have general debate to-morrow until 12 o'clock. That will give us an hour and three-quarters to-day, and immediately after the morning hour to-morrow morning we will proceed under the five-minute rule, so as to

finish the bill to-morrow, as a good many want to get away for Labor Day.

Mr. MANN. What you mean is to have general debate to-morrow?

Mr. FERRIS. For one hour, and one hour and three-quarters to-day.

Mr. MANN. If that were done, would there still probably be liberal debate under the five-minute rule for gentlemen who want to get in?

Mr. FERRIS. Undoubtedly. I think there is no disposition to hurry anything. We have been waiting quite a while——

Mr. MANN. I think we can finish to-morrow.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that general debate shall continue until 4.30 o'clock this evening, when the committee shall rise, and that to-morrow there shall be one hour of general debate——

Mr. FERRIS. Beginning at 11 o'clock a. m. and closing at 12.

Mr. FRENCH. Mr. Chairman, reserving the right to object, I have requested that I be given a half hour, and I presume that will be taken into consideration in this arrangement of time?

Mr. FERRIS. Undoubtedly.

Mr. FRENCH. I think I can give that much time to the question.

Mr. FERRIS. The gentleman is the ranking member of the committee and ought to have that much time.

Mr. MANN. There are several members of the committee who want to be heard. My colleague from Illinois [Mr. THOMSON] might desire time, and the gentleman from California [Mr. KAHN] and the other gentleman [Mr. J. R. KNOWLAND] wants time.

Mr. STEENERSON. Mr. Chairman. I desire to say that I may want some time. I am not on the committee——

The CHAIRMAN. The Chair will say to the gentleman from Oklahoma [Mr. FERRIS] that, judging from the time the gentlemen have asked the Chair for, he would suggest that at least two hours' time will be required to fill these requests.

Mr. FERRIS. For the present, Mr. Chairman, I withdraw the request. I think we will have no trouble in getting along. There is no disposition to shut off anybody.

The CHAIRMAN. The gentleman from Oklahoma withdraws the request.

Mr. MONDELL. Mr. Chairman, as a matter of fact I would prefer to be able to yield to interruptions, because I think perhaps I could illuminate the subject better by answering interrogatories than otherwise. I simply suggested I did not feel inclined to yield, because being, so far as I know, about the only one who proposes to speak at length in opposition to the legislation, there is a considerable field to cover, and, therefore, if I had any considerable amount of interruption I should feel constrained to ask for at least a few moments of extension equal to the amount of the interruptions.

Before I begin a discussion of the bill, I want to say, Mr. Chairman, in a way I feel somewhat embarrassed in opposing this legislation. I was long a member of the Committee on Public Lands. I have a very high regard for the men who constitute that committee, the chairman and all the members on both sides. I am inclined to take their view in regard to this legislation. I am taking their view with regard to the legislation so far as the matter of granting this right to San Francisco is concerned.

I have taken that view a little against my judgment, because I felt that the members of the committee, after hearing the matter so patiently as they had, were probably better informed as to the advisability of doing what is proposed to do, so far as the general proposition is concerned, than I would be. Furthermore, I know, Mr. Chairman, that the members of the committee made a very earnest effort to secure a good bill, and it is with some regret that I shall call attention to the features of the bill that I consider objectionable. I shall not be as frank in regard to what I believe to be the opinions of many members of the committee as I might be. I shall not say that I am certain that a very considerable number of the members of the committee do not like many features of the bill, that a majority of them are much opposed to some of its provisions, and that a majority of them would be delighted to see some of the provisions amended or stricken from the bill. If I were to say that, however, I think, Mr. Chairman, I should be well within the truth.

Argument is made that San Francisco must have Hetch Hetchy because there is no other available source of supply. Well, that is true only in a way. Hetch Hetchy, as some one suggested some time ago, is with San Francisco a state of mind. Ever since Los Angeles went to the far Sierras and secured a spectacular and magnificent water supply it has been useless for anybody to talk to San Francisco about going anywhere for a water supply except to this majestic valley, only slightly inferior in size, beauty, and grandeur to the Yosemite itself. In other words, San Francisco must needs have not only an adequate water supply, but a more expensive and spectacular one than her sister city farther down the coast.

In my opinion there are other available supplies that would be cheaper than the Hetch Hetchy. They talk about the Hetch Hetchy being cheap, as though that were an argument in favor of it. In my opinion that would be an argument if it were actually true, but in my opinion it is not true. I think that San Francisco could edge over a little and leave the Hetch Hetchy to the San Joaquin irrigators and get her supply from the adjacent lakes and streams at a less cost than that at which she can utilize Hetch Hetchy. But then it would not be the striking and majestic thing that the securing of the water supply from the gem of the Sierras is, and therefore it does not appeal to San Francisco.

In a good many ways San Francisco has been entirely frank and open and fair about this matter; and that being true, it is very much to be regretted that there was a report suppressed—unquestionably suppressed.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. People say it would have thrown no new light on the subject. Well, in a way that is true, because much contained in that report was contained in a report made by the engineer of a company having some rights in the Mokelumne. But a report officially made by the assistant engineer of the city of San Francisco would be very much more appealing to the average citizen than a report to the same tenor and effect made by some one who wanted to sell a water right; and San Francisco, or her attorneys, have been entirely lacking in frankness in the suppression of this report on the Mokelumne source.

Mr. FERRIS. Mr. Chairman, I did not want to interrupt the gentleman, because I knew he wanted to hasten through his argument, and I dislike to do it now. However, the gentleman from Illinois [Mr. MANN] asked one question on this proposition that ought to be answered. It is an important question. I have here a letter from Col. Biddle, under date of July 31, 1913, in which he says in substance two things. It will be found on pages 33 and 34 of the committee's report. In the first place, there never was any suppression of a report. They had absolute access to everything in the clerk's office. And, furthermore, he says that the report dealt in its entirety only with the 25,000,000-gallon supply, which would be only about one-tenth of what the city now needs. It could have been considered by the board if they desired to do so. Again, the limited supply discloses that it would have been valueless if presented or considered, and it is here on the desk and is accessible, and can be taken up if it should be deemed desirable.

Mr. MONDELL. I regret that the gentleman from Oklahoma takes up my time with a point that I said myself would not be material except for the fact that if you are coming to Congress with a case you ought to come with a clean case and with candor. It is not true that that report was available, and if the gentleman from Oklahoma will read in the report of the Army board the list of papers presented to them he will find the Bartel report is not among them, and he will find, further, that the Army engineers never saw that report and never heard of it until after they had made their report.

Now, I am not putting any particular stress on that. I am not insisting that it would have affected their decision if they had had it before them. But I do say that some one was lacking, and I can say it very much more strongly if I was disposed to—I could say that some one was much lacking in candor and fairness in suppressing a fresh report, just off the typewriter, a report made by an assistant engineer of the city in regard to what is perhaps the most available water supply possible to secure. There is no doubt about that.

Mr. FERRIS. The report was not suppressed. It was made in 1897.

Mr. MONDELL. No; the report I refer to was made within the last year and a half; completed within a year. I think it was made in April, 1912. There was a report made away back yonder, it is true. I do not say it would have affected the report of the Army board, because, to tell the truth, and departing a little from my line of argument, I do not place a high value on the report of the Army board.

The gentleman from Illinois [Mr. MANN] stated a little while ago in apt language what he thought about that report. The Army board took the statements made to them by the officials and engineers of the city of San Francisco, and they spent a

lean hour and a half one sultry afternoon in the examination of a very small portion of the watershed of the Mokelumne, and then sought the shade of the orange groves.

While that does not necessarily alter the situation, it casts an illuminating light upon it. There is an opportunity to secure a supply from the McCloud River, water that no one else can use. That is, perhaps, a little expensive, but not nearly as expensive as the engineers of the city of San Francisco have made it appear, and a careful examination of the last report made on the McCloud River convinces me that he who wrote it intended to estimate the cost so high as to make it appear prohibitive, so that no one would think of utilizing it.

Mr. RAKER. Will the gentleman yield right there?

Mr. MONDELL. I will be glad to.

Mr. RAKER. In addition to the report of the Army engineers, is the gentleman familiar with the facts that down along that river there are many people using and diverting the water by large pumps, pumping out many acre-feet of water per day?

Mr. MONDELL. All the reports state, as the gentleman from California knows better than anyone else, that, taking into consideration every possible use of the water of the McCloud, there is a larger supply there than is to be obtained by the damming of the Hetch Hetchy. Of all the sources that have been sought that is the largest, and the water is as pure as the mountain dew.

There is an unfailing supply in the Sacramento River, better than most cities have.

But I do not insist that San Francisco be compelled to go away yonder to the McCloud or that she be compelled to take the water from near her doors out of the river or that she take the waters from the Mokelumne, the Stanislaus, and Lake Elinor. So far as I am concerned, if the people of California are satisfied, I am content that San Francisco shall use the Hetch Hetchy to impound the waters of the Tuolumne, but I think in coming to that conclusion we should be entirely fair as to all the features of the situation.

Some gentlemen may wonder why this matter is pressed here at this time. I do not know as to that. Out yonder by the Golden Gate they have an impetuous way, and any business of theirs is business that must be disposed of forthwith, instanter, and without delay. The fact that it comes from the Pacific coast makes it, without any further inquiry, an emergency question, a matter that must be taken up, no matter what the Democratic Party in the House may say with regard to other and pressing legislation. Why, they do not expect to begin the *construction* of this system for 2 or 3 years, and if they complete it in 10 years after they begin they will be doing mighty well, even with all of the energy and push that these splendid communities out there on San Francisco Bay have.

So it is not an urgency proposition, by any manner of means, but it is here, so why discuss a small matter of that kind. The Democratic majority have been convinced that it is urgent, and so we have it before us.

Mr. FERRIS. The political faith of San Francisco would hardly be an inducement to the Democratic Party to act for any partisan reason, would it?

Mr. MONDELL. Oh, I absolve the Democratic Party from any partisan view of the matter at all.

Mr. FERRIS. I thought so.

Mr. MONDELL. And I absolve the gentlemen who urge the matter from anything but the desire to promote the legislation they believe to be useful. I have entire confidence in the good faith of everyone connected with the whole matter.

Mr. FERRIS. I say that in the height of good humor.

Mr. MONDELL. I realize that. Now, those of us who have been here for some time have noted the divers and curious ways in which legislation is sometimes presented to Congress. We come down here with the idea that we represent the people, and that it is our duty to care for the interests of the people and to legislate in their behalf. We therefore expect that when a matter is ripe for consideration the Members from the district or locality, or a community directly interested, or the men charged by reason of committee assignment with responsibility for general legislation shall take the initiative, prepare the legislation, and present it to the committee.

But the city officials of San Francisco evidently for the moment forgot the forcible and energetic representation which they and California, as a whole, has on the floor of this House—a delegation second to none from any State in the Union, either in intelligence, energy, or forcefulness. We would have expected that in an important matter of this kind they would have come to their Members in the very first instance and suggested that they draft a bill. The bill was introduced by my good friend the gentleman from California [Mr. RAKER], and I trust he will not be embarrassed by what I will say in this line, because I say it in the best of humor, realizing his entire ability to draft a very much better bill than has ever been drafted in connection with this matter, not excluding the one which I drafted and which I shall offer as a substitute.

He did not have the opportunity to write this bill either in the first instance or as now presented to the House, and he does not claim it. The city officials of San Francisco went browsing about through the Government departments, inviting the Secretary of the Interior, the Secretary of Agriculture, the Director of the Geological Survey, the Chief Forester, and others——

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. Let me say that the bill which the gentleman from California introduced was H. R. 112, introduced two years ago. Then, one covering the city and county of San Francisco, introduced by the gentleman from California to-day, contains the ideas and theories of the bill introduced two years ago, with modifications and material changes by the committee, so that practically you might say that the main features of the bill introduced two years ago have been the basis of this bill, and that it was evolved by 21 members of the Committee on Public Lands.

Mr. MONDELL. I think the gentlemen all understood me. The question whether we shall grant San Francisco the right to utilize the Hetch Hetchy Valley for storage purposes is one long before the House, and a bill of 10 lines would carry the grant that would allow that to be done. All of the bills introduced on the subject are similar in that they in one form or another grant a right of way. But what I am referring to is the innumerable pages and multitudinous propositions, some of them difficult of understanding, which encumber the legislation as it appears before us. The first people interviewed seem to have been a certain class of self-styled conservationists well known in the Nation. Next, all of the Secretaries that could by any possibility be persuaded to believe that their departments had an interest, direct or indirect, in legislation of this character. I do not think the Commissioner of Labor or the Secretary of State contributed to the draft of the bill. With that exception I think we may embrace the majority of the departments of the Government. And they stopped not at Secretaries, but advised with Assistant Secretaries and commissioners, directors, and other gentlemen in Government service intent on extending Federal authority. I doubt if any charwoman in any of the departments has made a suggestion which is written into the bill, but if that be true it must be an oversight.

Of course, I mean no reflection on the ability or patriotism of any of these gentlemen. When the representatives of San Francisco come to them, inviting them to fix conditions and place limitations extending the control of their respective departments or bureaus they would be more than human if they did not respond.

Each had a few suggestions, a few limitations, a few conditions, and as each was made separately it is not to be wondered at that the net result was of great length and somewhat conflicting. As thus put together, the gentlemen representing California we expected to take responsibility for the measure. So that it came into the House, 2 pages in length, containing propositions with which the Federal Government has nothing to do, carrying in one place one of the most curious suggestions of legislation that was ever written in a bill. In attempting to decide the waters San Francisco is to impound it was provided that this was to be accepted, "notwithstanding any general laws of the United States or of the State of California, or any general rule of property established by the courts."

I hasten to say on behalf of the committee that that lovely proposition has been stricken from the bill, leaving in it, however, divers and sundry other provisions of practically the same tenor and effect, but in language a little less clear and explicit. I am not certain which of the officials consulted by the officials of San Francisco proposed and insisted upon this particular gem of statute. That the gentleman who introduced the bill was not responsible for it goes without saying.

Before I go further I am going to read just a few objections to the bill that I have jotted down. Remember, I do this as one who has introduced a bill, H. R. 7297, which is before the House, which grants to the city of San Francisco all the rights which this bill does, in 7 pages as against 27; which does not lay impossible burdens, does not attempt to overturn the Constitution of the United States, filch the sovereignty of California, or set aside beforehand the decisions of the courts during all the running of the years to come.

Mr. FERRIS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FERRIS. Does the gentleman think that his 7-page bill thoroughly safeguards the interests of the Government and the irrigationists?

Mr. MONDELL. I do not attempt to do what the gentleman knows, as well as I do and better because he is a good lawyer and I am no lawyer at all, that this Congress has no power to divide the waters in the sovereign State of California. All the words that may be written into the bill would be utterly valueless and futile in the direct accomplishment of any such purpose. So far as any provision in the bill can have any such effect it can only be through San Francisco making a contract with the Government, which contract the courts might or might not hold to have been made under duress, a contract in no event binding upon the Turlock or Modesto irrigation districts, and much less on any other irrigationists in the San Joaquin Valley.

Mr. FERRIS. It is fair to say to the gentleman that he goes right at the troublesome feature of the bill when he gets to that question. Let me put to him the proposition. If I own 160 acres of land and it becomes necessary for you to utilize part of that land and have a right of way across that land do you assert I do not have the right to connect with my portion of land such conditions as I may impose? And, again, if the Federal Government owns the Yosemite National Park, which is conceded by everybody, and if they grant certain rights—certain storage rights—to impound water, then have not they the right to say how you will put up that dam, how you will construct that dam and impound that water, because it is simply a condition that goes as a condition precedent to the grant, and I do not agree with the gentleman on the proposition laid down by him.

Mr. MONDELL. As I said a moment ago, I am not a lawyer, and therefore perhaps should not argue this legal question with the gentleman from Oklahoma, who is a good lawyer——

Mr. FERRIS. I did not bid for that.

Mr. MONDELL (continuing). But no landowner can affix any condition to the use of landed property, he will admit, that shortens the sovereignty of a sovereign State. As a landowner you can affix any condition within the power of the landowner to affix, but neither the gentleman from Oklahoma [Mr. FERRIS] as a landowner or the Government of the United States as a landowner can affix any condition to the use of landed property that interferes with the exercise of sovereignty.

Mr. FERRIS. We do not do that in this bill. I think the gentleman does not quite state the proposition correctly.

Mr. MONDELL. If you do not do that, then you do not do anything. I do not think you do it as a matter of fact, but that is what is attempted. But to return to objections to the bill, to which I have referred:

The bill is verbose, prolix, diffuse, and conflicting.

Grant absolute and enforcement of conditions or requirements scattered through the bill doubtful.

Attempt to divide waters without force or effect as a matter of statute law, questionable of enforcement if intended to be made binding on the city as a contract, and in no event binding on Turlock and Modesto or other irrigation claimants.

Attempt to regulate use by a municipality of electric power of doubtful propriety if, indeed, it is within the power of Congress.

If the terms of water distribution are enforceable, they are not understandable.

Conditions are onerous and burdensome on San Francisco:

First. If the provisions as to water distribution and division of electrical energy are what they appear to be and can be enforced, they are exceeedingly onerous and burdensome on San Francisco and liable to very greatly restrict and hamper the city in the use for its own people of the water and power they propose to ultimately invest nearly a hundred million to develop.

Second. The charges against the city are arbitrary and excessive; are based on no tangible or logical theory as to the ground for such payment or its reasonableness.

The sanitary provisions are ridiculous, inadequate, and unchanging as the laws of the Medes and Persians.

TURLOCK AND MODESTO.

As for the irrigation districts, they may feel that they have fully and liberally protected themselves in this bill, but if it should develop that the terms of the contract, which it is contemplated the Secretary of the Interior shall compel San Francisco to sign, are not enforceable, or if enforceable the benefits are held to apply to all applicants, the irrigation districts may wake up to learn that they have been handed a gilded brick.

A perfectly sane bill with reasonable and understandable provisions can be passed, therefore there is no excuse for the bill in its present form.

I started in to remark how the departments of Government were consulted and how each of the Secretaries and the commissioners and directors added his own little suggestion until the bill was enlarged and extended to 26 pages. Not only that, but there was a gentleman who called himself a sanitary engineer, who wrote a few pages of suggestions in regard to sanitation, and they were put into the bill verbatim, and are one of the unique curiosities of the measure. Well, of course, after Mr. Secretary This and Mr. Secretary That and the Secretaries and commissioners, one after another, had all contributed to the legislation, each was compelled, by reason of the fact that he had been consulted, to give his assent and lend his influence to the passage of the bill. Now, I have just this to say in regard to that sort of thing: I hope the time will come when constituencies as well represented as California is will trust their Representatives to draft legislation, as they can draft it, along sane and reasonable lines, and that the time will come when it will not be deemed necessary, as I hope it is not necessary now, to secure the support of administrative officers and of every so-called conservationist throughout the length and breadth of the country by putting into legislation propositions that Members who support it do not and can not possibly fully approve.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. RAKER. Is it not a mighty nice piece of legislation when you get all sides to agree that the provisions of a bill protect everybody?

Mr. MONDELL. Well, I can understand you might satisfy all of the cooks—not only the cooks proper and the cooks adjacent, but the cooks invited and called in on a proposition—but the kind of soup you would have when you got through, in my opinion, would be very like the bill we now have before us. Of course, the cook that had suggested a pinch of this and the cook that had insisted upon a dash of that and the cook who had hoped there would be a few ounces of something else, his wishes having been acceded to, while feeling no responsibility for the outcome and final result, would no doubt feel bound, by the fact that his wishes were heeded, to say that it was probably a good thing.

In the case of this particular brew, I doubt if any one of the gentlemen outside of Congress who have given it such hearty approval have ever read the bill in its entirety, and I will guarantee there are few, if any, who could explain all of its provisions. Now, there is another thing, and I want to discuss this because I think it is a matter in which we are all interested.

Mr. RAKER. Will the gentleman yield right there? I want to get the matter straight, and I hope he does.

Mr. MONDELL. I do. I hope San Francisco will get Hetch Hetchy, but I hope she will get it under different legislation.

Mr. RAKER. After you have worked and assisted in preparing a bill affecting the Government domain, can you conceive of any better protection to the Government and to the people of the Government than to go to the Secretary of the Interior, the Secretary of Agriculture, the Reclamation Service, and the Geological Survey, and to the War Department——

Mr. MONDELL. To Mr. Pinchot and Mr. Garfield——

Mr. RAKER. That will cover the whole subject, and get their approval of it—the guardians of the public property?

Mr. MONDELL. I am willing to let the gentleman's statement stand just as he has made it. The plan has been successful in this case. There is no doubt about that. Each one of these gentlemen has had his little dip into this legislation. Each bureau has a little something to do with its enforcement. Each department of the Government has extended a little further the doctrine of federalism. Each has curtailed a little of the sovereign rights of the good people over yonder by the Golden Gate, and each is, in consequence, content. But I am not, because, frankly, I do not take the view of these things that some of these gentlemen do.

Now, another thing. I am something of a "State's righter," but I hope not in an offensive sense, but in the sense that I do not believe this mighty Government can stand unless we shall recognize on the one hand all of the powers and all the dignity of the Federal Government, and, on the other hand, shall recognize and guard jealously the reserved rights of all the people of the Commonwealths of the Union. Of all the States that have been in late years most effective as well as most insistent in that view there is none that stands out in the public eye like the State of California.

This administration and the last administration have appeared to be sorely tried by reason of the powerful insistence

on the part of the people of that State that they control and manage their own affairs. The last administration pleaded with them that if they must be so insistent they should not, at least, be so precipitate, and this administration has now under consideration some knotty and difficult questions involving our relations with an entirely friendly power, raised by the people of California. During all the time these questions have been under consideration, and to-day, I stand by the view taken by the people of California in those matters. I believe that legally they were right, constitutionally they were right, and unquestionably from the standpoint of the perpetuation and the perpetuity of free institutions and civilization of our form and character they were eternally right. [Applause.] But what shall we say when immediately thereafter there is brought before this Congress as a matter of emergency a proposition that shortens, or attempts to shorten—aye, in express language as introduced, attempted to shorten—the sovereign powers of the people of the Commonwealth out by the Golden Gate?

Mr. RAKER. Will the gentleman yield there? Will the gentleman, just in a concrete statement, point out here where there is one single thing provided in this bill that affects the sovereign power of the great State of California?

Mr. MONDELL. There is an attempt in this bill to divide the waters of the State of California. Does the gentleman from California believe the Federal Government has any authority to do that?

Mr. RAKER. There is no attempt in this bill to divide any waters.

Mr. MONDELL. The gentleman has certainly read his own bill, and knows that five or six pages of it are taken up with the detail of division of waters.

Mr. RAKER. Not a division.

Mr. MONDELL. If not a division, then nothing is accomplished by whole pages of the bill. The gentlemen have tried to get away from the force and effect of what was in the original draft by providing that San Francisco shall be coerced and dragooned into making contracts with the Secretary of the Interior, which, if enforceable, would shorten the sovereignty of the State of California.

Now does that change the matter any? Does that make it any different because it required all of that circumlocution to arrive at the point originally sought? This bill, if it passes, will provide that as long as time shall run, as long as the golden sun shall be seen of men sinking in the peaceful waters of the Pacific, the agents of the Federal Government will be traveling 3,000 miles from Washington to divide the waters of the sovereign State of California between the people of the San Joaquin Valley and the people who dwell on the shores of San Francisco Bay. And the gentleman knows it. The gentleman regrets it just as much as I do, but fortunately I am free to say what I think about it.

My good friend from California [Mr. RAKER], whom I love and honor and who has worked faithfully for this bill and has tried to get a bill that would accomplish what was sought to be accomplished without setting an unfortunate example, is to be congratulated, and I congratulate him and the members of his committee in as far as they have been able to get away from a dangerous precedent. But they have not actually escaped it. They still leave in this bill the seed of the proposition which we have been fighting for years, and against which we shall expect to fight until it shall be admitted by all men that California is as sovereign as Maine——

Mr. FERGUSSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from New Mexico?

Mr. MONDELL. And as sovereign as Minnesota, and that her star is as undimmed in sovereignty as is the star of Louisiana.

Mr. FERGUSSON. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I do.

Mr. FERGUSSON. With reference to the illustration of California curtailing her sovereignty, an individual is sovereign of his own real estate, is he not? Assuming that that is true, and assuming that California enters into a contract for a consideration to be given by another which it very much desires for its prosperity, is it curtailing her sovereignty any more than it is curtailing the sovereignty of a private owner of real estate when for a consideration he binds himself to obtain something that he desires? Is entering into a contract the surrender of important sovereignty—in real estate, for instance?

Mr. MONDELL. Oh, the gentleman probably was not in the Chamber when I answered the question of the gentleman from Oklahoma. I am not a lawyer, and perhaps it is not fair for gentlemen who are lawyers to propound to me these legal propositions.

Mr. FERGUSSON. But the gentleman assumes the rôle of a lawyer.

Mr. MONDELL. Oh, I have never assumed the rôle of a lawyer at any time. I have never assumed any rôle whatever. I have said, and I repeat it, that no one can fix any condition upon a sale, lease, or grant of property which will deny a sovereign or constitutional right. I trust no man from the West will claim that the Federal Government can, by fixing a condition on the use of property, deprive a State of her authority. If that can be done, there is not a guaranty in the Bill of Rights, not a provision of the enabling act of his young State, that can not be made of no force or effect as regards a large portion of the State which is still public domain.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I do.

Mr. KAHN. The gentleman refers to a division of the water between the irrigationists and the city of San Francisco?

Mr. MONDELL. Yes.

Mr. KAHN. Does not the gentleman know that the irrigationists, under the laws of the State of California, are entitled to 2,350 feet of water before San Francisco can get a drop, and that this bill simply recognizes that right?

Mr. MONDELL. I have no opinion as to whether that is true or not. I do not know whether it is true or not. It is true that people in the southern part of California, John Jones and Bill Smith, let us say, are entitled to divide certain waters, under the law, between them. But I do not find anything in this bill setting out what that division should be; and it would be just as germane to the proposition and just as legal to try to divide the waters in this bill between people in southern California as to try to divide the waters between the people in middle California.

And further, there is not any necessity for it. When this matter was before the committee four years ago we asked these people, "Do you expect that every time anyone comes here asking for a right of way we shall have to go into all the court decisions in regard to the distribution of water from the stream which it is proposed to impound and divert?"

Do you expect we are going to do that? Is there any way in which we can do it, any way in which we can secure that information? And if we did it, we would take up all our time in attempting to settle by legislation that which is a judicial question, and we should never get anywhere. What should have been said to these people is: "Gentlemen, this is not so urgent but that you can go back to California, take this matter up with the people of Turlock and Modesto, and the other irrigationists in the valley of the San Joaquin, and have an adjustment, an adjudication, or agreement that is binding, so that you can come to us as others come, simply asking the right to build a dam." It would be well to have a provision in the bill that the grant would not be effective until such an agreement or adjudication was had.

While I have no doubt San Francisco has high-minded and energetic engineers and other public officials, it would rather seem that they very much prefer moving on the large stage of national affairs, before the National Congress and before the national bureaus, and talking about $45,000,000 bond issues, rather than to do the common, hard, drab work of coming to an agreement with their neighbors in their own State touching their own matters. That would require some effort and labor, an appearance before a court, and some really hard work and mental effort that would not be featured in all the newspapers. It would be effective, but it would not appear on the front page of all the newspapers. On the contrary, city officials appear here pledging San Francisco to all kinds of hard conditions, even inviting these conditions, and asking that we pass legislation under which the trail from here to the Golden Gate shall be kept hot so long as time runs as Federal officials pass back and forth dividing the last bucket full of the waters of the Tuolumne between the irrigationists of the San Joaquin and the dwellers along San Francisco Bay.

We are dealing with a great community, now 700,000, to be two and a half million people some day. One would judge from some of the provisions of this bill that we were making a grant to Archbold or Rockefeller or other Standard Oil magnates, and had to surround it with every possible safeguard to prevent a hard-headed and grasping individual from filching away the rights and taking advantage of the defenselessness of the people in some way. These great communities ought to be dealt with in the generous spirit with which all of the people should deal with a considerable portion of the people in their official collective governmental capacity.

I am rather inclined to think that if the contract contemplated is enforceable San Francisco could be made drier and

shorter of water after this reservoir is built than she has been in the past. A particular section to which I shall refer later seems to give the Secretary of the Interior the authority and the power to give the San Joaquin Valley at times the major portion of the water that will be impounded at a cost of $70,000,000 by the city of San Francisco.

There is a charge of $15,000 for five years, $20,000 for a period of years, and $30,000 for all time—for what? On what basis does San Francisco pay $30,000, and what does she pay it for? Land? Scenic beauty? Is that the price she must pay for taking from all the people the enjoyment of the floor of this valley? If so, it is either too much or too little. I do not know which. But there is no logical basis for it, and as a precedent for future legislation it is bound to make no end of trouble for the committee which reported it.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. MONDELL. Yes.

Mr. COOPER. The gentleman has made a plea here for the preservation of the rights of California respecting its water power. May I just read this short clause from the bill and get the gentleman's interpretation of it:

SEC. 11. That this act is a grant upon certain express conditions specifically set forth herein, and nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the State of California relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with the laws of said State.

Mr. MONDELL. It is a question whether the courts will ultimately hold that the provision the gentleman has read is the controlling provision of legislation or whether the pages that precede it and are in direct contradiction of it prevail and control. The two of them can not stand together. One may say "I do" and "I do not" in the same breath, but I either do or I do not. The provision in regard to the distribution of the water is in direct conflict with the provision the gentleman just read. I think the provision the gentleman just read will eventually be held to control, in which event the gilt on the brick Turlock and Modesto is being handed is so thin that a breath of air will brush it off.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. TAYLOR of Colorado. The gentleman is aware that section 11 is a copy of the section 8 of the Reclamation Service act?

Mr. MONDELL. I am aware of that, and it is in the bill largely through the insistence of my friend from Colorado and others who agree with him.

Mr. TAYLOR of Colorado. That is my portion of the soup.

Mr. MONDELL. It has a goodly flavor, and is intended to take a little of the poison out of the mess.

Mr. TAYLOR of Colorado. When it is put in as the last section in the bill and winds it up by saying that the act is granted on certain conditions, does not the gentleman think that that will be held by the courts to modify and control the entire bill, and if it does, does it not preserve the constitutional rights of the Western States?

Mr. MONDELL. After having read the bill and its conflicting provisions my head was in a perfect whirl of uncertainty as to what the courts would finally hold this legislation to mean.

Mr. COOPER. Will the gentleman permit a question?

Mr. MONDELL. Yes.

Mr. COOPER. The gentleman asserts that there is a conflict between some previous sections of the bill and the laws of the State of California, but this last section of the bill, which the gentleman from Colorado claims he is proud of, provides that if there be a conflict with the laws of the State of California the laws of the State will control. Now, what opportunity is there for discussion?

Mr. MONDELL. As a matter of fact, the provision that the gentleman has read is the law of the land. It is constitutional; there is no necessity of writing it there, and it is not any more the law because it is in the bill. That is the law. It is taken from the national reclamation law, and that same provision in the national reclamation law is not a new proposition, it is simply a statement of a legal fact.

Mr. COOPER. In making that statement the gentleman from Wyoming begs the question in assuming, as he does, that Congress will comply with the conditions in the statute as to the distribution of waters over which it has control.

Mr. MONDELL. Congress has no control over any waters for any purpose except for the purpose of navigation.

Mr. COOPER. Has the gentleman read the decision of the Supreme Court promulgated about six weeks ago?

Mr. MONDELL. Oh, in connection with the question of navigation there are a great variety of provisions and requirements that may be made.

Mr. COOPER. The Supreme Court goes a great deal further than that and says that the power of the Government is not limited as far as that matter is concerned to the purposes of navigation.

Mr. KENT. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. KENT. The gentleman said that the clause at the end of the bill was useless. I agree with him fully that it is the law of the land. I do not see how in legislating Congress can change the law of the sovereign State of California. I think it is making a lot of trouble by having that provision in there by leading people to believe that we are seeking to change the laws of the State of California, which we could not do. If the waters are to be distributed under the laws of California, the bill simply means as a condition precedent to this grant the Federal Government wants to see that the laws of California are obeyed and that there is a proper division. We have the right to make that condition precedent, although we could not legislate for California.

Mr. MONDELL. I can not agree with the gentleman. If I agree with one part of his statement, I could not agree with the other. The gentleman's statements seem to conflict with themselves. You say you are not attempting to infringe upon the sovereignty of the State of California; then why do you attempt to divide the waters of the State by Federal statute?

Mr. KENT. I did not say that.

Mr. MONDELL. Well, but what you do is this: You say we make a grant. The grant is absolute—I doubt if there is any condition here that will affect that grant at all—I doubt if there is a condition in that bill that you can enforce so as to in any way lessen San Francisco's hold on Hetch Hetchy after the bill passes. I do not think any of these conditions—I will not put it as strong as that—I doubt whether——

Mr. KENT. Does the gentleman deny the right——

Mr. MONDELL (continuing). This is what the bill attempts to do.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask that I may have 10 minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. HELVERING. Mr. Chairman, I object.

Mr. FERRIS. Mr. Chairman, I rather hope the gentleman from Kansas will allow the gentleman from Wyoming to proceed, because the gentleman from Wyoming has been submitting to interruptions all through his speech, and he stated that if he submitted to those interruptions he would have to ask for more time. I rather hope that in view of this phase of the question——

Mr. HELVERING. I only objected on account of the time——

Mr. FERRIS. I am satisfied the gentleman from Kansas did not know that.

Mr. HELVERING. Mr. Chairman, I withdraw the objection.

Mr. MONDELL. Mr. Chairman, I regret to take up so much of the time, but I feel I must answer this proposition. What you attempt to do is this: You say that San Francisco shall not have the right to build a dam at the mouth of the Hetch Hetchy Canyon—and that is the only important right you grant here—that they shall not have the right to do that unless they make a contract relative to a division of the water between the cities on the bay and the irrigationists in the valley. Now, if that contract is enforceable in all of its provisions, then you have shortened the sovereignty of California.

Mr. KENT. What contract? These are conditions to the grant; we are not making a contract, but we are exacting conditions precedent to a grant.

Mr. MONDELL. As printed letters on a page signed by the Speaker and the Vice President and the President, those provisions would have no more force and effect than if they had been written on the sands of the river. If they ever have any force or effect, it will be because they are written into a contract signed by the city of San Francisco. Nobody claims, there are not any of the gentleman's colleagues here who will claim for a moment, that any of these provisions are enforceable as a matter of statute law. Certainly not.

Mr. DECKER. Which provisions?

Mr. MONDELL. If they have any force or ever have any effect whatever it is because San Francisco has entered into a contract.

Mr. DECKER. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. DECKER. Just generally, what provisions does the gentleman refer to?

Mr. MONDELL. Well, provisions running through four or five pages of the bill, providing for a division of the water which is to be impounded by San Francisco between San Francisco and the irrigationists in the San Joaquin Valley.

Mr. DECKER. Turlock and Modesto?

Mr. MONDELL. Yes.

Mr. DECKER. Will the gentleman allow me to suggest my understanding of that is—and if I am wrong, I desire to be corrected—that all the bill provides is this: That Modesto claims certain rights under the laws of California. San Francisco claims certain rights under the laws of California.

San Francisco comes to the Federal Government asking for certain rights of way. Now, does not the gentleman think that it is just as equitable as well as legal for the Federal Government to say to San Francisco, "If the Federal Government gives you these rights of way, we have the right to require of you that you acknowledge the rights of a third party." Now, we do not say that anybody has a right to the water; we just say that San Francisco, so far as San Francisco is concerned, acknowledges the right of Modesto. If anybody else has a right to the water under the laws of the State of California they can enforce them.

Mr. MONDELL. But the actual fact is, I will say to my friend, Turlock and Modesto have certain rights in the Tuolumne River. Those rights may or may not amount to the ordinary flow of the river in the irrigation season. I do not know; no one here does; I doubt if anyone anywhere does. Turlock and Modesto feel this is a very good opportunity to come forward and attempt to fix rights which it may or may not have under the laws of California.

Now, that is really the fact in the case. This legislation unquestionably, beyond any controversy, not only compels San Francisco to recognize what is alleged in the bill to be the rights of the irrigation district, but compels it in addition to, under certain circumstances, furnish a supply of water that I am very confident Turlock-Modesto feels it could not enforce under the laws of California. So, as a matter of fact, you have attempted to divide these waters. You have attempted to divide them by shortening the amount that San Francisco is entitled to and giving a larger supply to Turlock-Modesto, providing the contract which you propose to enforce upon San Francisco is not set aside by the courts.

Mr. DECKER. Will the gentleman yield?

Mr. MONDELL. I have only a moment, unless my time can be extended. Unless the court sets aside this contract you are attempting here to establish a new precedent relative to the distribution of water, as you are attempting to establish a new precedent with regard to other matters.

It is altogether unnecessary, because if the officials of the city of San Francisco were willing to go to work and meet on a friendly footing the people in the valley there would be no difficulty under the law of the State of California in reaching an agreement to fix and adjust and settle the rights of each, and then they could come here just as other people come here, asking us to grant a right of way under proper conditions, and not asking us by some hocus-pocus of legislation to attempt to set up an entirely new rule with regard to the use and distribution of waters throughout the irrigation States of the Union. It is not fair to San Francisco. It is not fair to the men who represent that State. It is not fair to the Congress to have a proposition of that kind placed before it.

I have introduced a bill. I do not claim it is perfect, though I gave it considerable thought, because I wanted to be fair to San Francisco and fair to all others; but I did not go into the domain of the regulation of the waters of California, as I would not want the legislation, if it was in my State, to invade that domain. In my bill I did provide for a grant under express and easily understood and, I think, clearly stated provisions and conditions, enforceable by the United States or by any party in interest. I should like to see San Francisco secure this grant of right of way, not because it is absolutely essential that she should, because there are other sources of water supply available, and perhaps ultimately it would be better to have Hetch Hetchy used to irrigate the San Joaquin Valley. But I should like to see San Francisco secure this grant because the people of California seem to be of the opinion that this is the better way to provide for this construction, which will be useful both to the people present and to come on San Francisco Bay, and very largely, if they can live amicably under the provisions of the bill, to the people in the irrigation districts as well. But it is exceedingly unfortunate that in passing legislation of this kind we are called upon to give our assent to propositions that will rise to plague us in the future, and it is unfortunate that because this beautiful valley is in a national park that we must lay on San Francisco certain onerous conditions which, in my opinion, she will find it exceedingly difficult to comply with.

The charge itself is not based upon any theory of which I know as to the value of the right conferred or as to the shortening of the privileges of the balance of the people by reason of this grant to San Francisco. My bill provided that they should pay for the timber on the right of way; that they should pay for the maintenance of sanitary conditions there; that they should pay for the upkeep of the roads around and approaching their reservoir and works; and, in addition to that, that they should pay their proportion of the cost, whatever it may be, of the supervision and control of the watershed in the national park and forest reserve.

San Francisco could secure the right to construct these works, without any additional legislation, under the general laws if it were not for the fact that the Hetch Hetchy Valley lies just within the borders of a national park. That fact necessitates special legislation, as the ordinary right-of-way acts do not grant permanent easements in national parks. The fact that Hetch Hetchy is in a national park, and that it is a region of great scenic beauty, gives all the people of the country a lively interest in the matter. But these facts do not justify an attempt altogether unnecessary to indirectly supersede the laws of California with regard to water rights, or the imposition of onerous or burdensome conditions, conditions particularly objectionable because they contemplate that, as to certain waters and certain power development utilized by a great community, the agents of the Federal Government, in nowise directly responsible to the people directly interested, shall be the final arbiters for all time. For the purpose of clearly expressing my views as to what should be done and how, I shall, at the proper time, move a substitute, which I now ask to have printed at the close of my remarks. [Applause.]

A bill (H. R. 7297) granting a right of way over certain public lands and reservations to the city and county of San Francisco for the purposes of a water supply and power development.

Be it enacted, etc., That a right of way through the public lands of the United States, the Yosemite National Park, and the Stanislaus National Forest is hereby granted to the city and county of San Francisco, a municipal corporation in the State of California, for the purpose of enabling the said city and county to construct and maintain reservoirs, canals, works, and structures of every kind and character necessary or desirable in securing, establishing, and maintaining from the Tuolumne River and its tributaries in said State a water supply for the said grantee, the city and county of San Francisco, and such other municipalities and water districts as may, with the consent of the said grantee, or in accordance with the laws of the State of California, hereafter participate therein, and for the generation, transmission, and distribution of power which may be generated by the utilization of such water supply, to the extent of the ground occupied by the reservoirs, canals, and all other works or structures of every kind and character necessary or desirable for the purposes specified in this act, together with such additional lands on the marginal limits of all reservoirs and canals or surrounding or bordering on other works or structures as in the opinion of the Secretary of the Interior shall be necessary for the purposes of this act, but in no case exceeding 250 feet on the margin of or surrounding or bordering on such reservoirs, canals, works, or structures, together with the right to take from the public lands and reservations herein referred to adjacent to its right of way earth, stone, and other like material necessary or desirable for the construction of the reservoirs, canals, works, or structures herein provided for. That it shall be the duty of the officers of the United States having supervision of the national forest and national park on and over which the said right of way shall be located to establish, maintain, and enforce such regulations affecting the use of the said national forest and national park as will reasonably protect said water supply from contamination by such use: *Provided*, That such sanitary regulations shall not be of such character as to deprive the public of the use and enjoyment, in a reasonable and proper way, of the said national park or national forest.

SEC. 2. That the rights of way and privileges herein enumerated are granted on the following express terms and conditions:

(a) That the rights of way herein granted shall not be sold or transferred. That from and after the approval of maps of right of way, the work of construction shall be promptly undertaken and be prosecuted diligently and continuously. That the water supply made available by the rights of way herein provided, and the power that may be generated therefrom, shall be continuously developed and made available as rapidly as in the opinion of the Secretary of the Interior there shall be a public need for the same. That the said water supply and power shall at all times be used and utilized in conformity with the laws of the State of California and nothing herein contained shall in any wise alter or affect any rights or claims to the use of water.

(b) That within three years after the passage of this act, and in any event before any actual construction work shall be undertaken, the grantee shall file with the registers of the United States land offices of the districts wherein the same are located maps and plats of its proposed right of way and lands necessary for the purposes of this act, which maps and plats shall be of such form and character as may be prescribed by the Secretary of the Interior; and said Secretary shall also provide, by regulation, for the filing of maps and plats of changes of location which may be necessary before the final completion of the project herein provided for; but no right of way within the Stanislaus National Forest shall be approved by the Secretary of the Interior until after the approval of the same by the Secretary of Agriculture.

(c) That the grantee shall construct on the north side of the Hetch Hetchy reservoir site a scenic road above and along the proposed lake to such point as may be designated by the said Secretary of the Interior, and leading from said scenic road a trail to the Tiltill Valley and to Lake Vernon; also a road to Lake Eleanor and Cherry Valley by way of McGill Meadow. The said grantee shall also build a wagon road from Hamilton or Smiths Station along the most feasible route adja-

cent to its proposed aqueduct from Groveland to Portulaca or Hog Ranch and to the Hetch Hetchy dam site, and a road along the southerly slope of Smiths Peak from Hog Ranch past Harden Lake to a junction with the old Tioga Road, in section 4, township 1 south, range 21 east, Mount Diablo base and meridian, together with such other roads and trails as the Secretary of the Interior shall determine are made necessary by reason of this grant. That the said grantee shall lay and maintain a water pipe, or otherwise provide a good and sufficient supply of water for camp purposes at the Meadow, one-third of a mile, more or less, southeasterly from the Hetch Hetchy dam site. That the said grantee shall furnish water at cost to any authorized occupant within 1 mile of its reservoirs.

(d) That the grantee shall, for the benefit of the Yosemite National Park and the Stanislaus National Forest, pay for all timber taken from its right of way and shall pay annually such sums, to be fixed from time to time by the heads of the departments having charge of the said reservations, as shall be amply sufficient for the repair and maintenance of the roads and trails herein provided to be built by the grantee, and for the enforcement of the sanitary regulations provided for in section 1 of this act, together with such further reasonable sums as shall, in the opinion of said heads of departments, fairly measure its proportionate share of the cost of maintaining and protecting that portion of the said national park and national forest as constitutes the watershed of the water supply of said grantee.

(e) That the grantee shall at all times, in the construction and maintenance of its work, conform to all the requirements, rules, and regulations adopted by the head of the department of the Government having jurisdiction of the reservations over which its right of way may extend and shall be responsible for any loss or damage to such reservations or the timber thereon caused by the grantee or its agents. That the grantee shall at all times keep its right of way clean and free from débris and inflammable material, and shall construct such crossings over, or such fences along, its right of way as shall be required by the proper public authorities or by the head of the department having jurisdiction over the reservations over which its right of way passes.

(f) That the grantee shall convey to the United States, by proper conveyance, a good and sufficient title, free from all liens and incumbrances of any nature whatever, any and all tracts of land which are now owned by said grantee within the Yosemite National Park or that part of the national forest adjacent thereto not actually required for use under the provisions of this act, said conveyances to be filed with the Secretary of the Interior within six months after the said grantee ceases to use such lands for the purposes of construction under the provisions of this act.

(g) That the conditions of the grant made herein shall be enforceable and the rights and privileges of the said grant may be canceled or annulled, in whole or in part, upon the failure on the part of the grantee to comply with the terms and conditions thereof, on notice by the Secretary of the Interior, in accordance with the judgment of any court of competent jurisdicton in a suit brought by the United States or any party in interest.

SEC. 3. That the rights of way hereby granted shall not be effective over any lands upon which homestead, mining, or other existing valid claim or claims shall have been filed or made and which now in law constitute prior rights to any claim of the grantee until said grantee shall have purchased or procured proper relinquishment of or acquired title to, by due process of law and just compensation paid to said entrymen or claimants, such portion or portions of such homestead, mining, or other existing valid claims as it may require for the purposes herein above set forth and caused proper evidence of such fact to be filed with the Commissioner of the General Land Office; and the right of such entrymen or claimants to sell and of said grantee to purchase such portion or portions of such claims are hereby granted: *Provided*, That this act shall not apply to any lands embraced in rights of way heretofore approved under any act of Congress for the benefit of any parties other than said grantee or its predecessors in interest.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I want to ask unanimous consent that the gentleman from California [Mr. J. I. NOLAN], who is confined to his bed, have permission to extend his remarks in the RECORD on this subject when he comes back. He is very much interested in this legislation, and very much in favor of it.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that the gentleman from California [Mr. J. I. NOLAN] be granted leave to extend his remarks in the RECORD on this bill. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, I want to yield three minutes to the gentleman from New Jersey [Mr. KINKEAD] to insert something in the RECORD.

Mr. KINKEAD of New Jersey. Mr. Chairman, I ask that the letter which I send to the Clerk's desk be read. Then I would like to add a word in explanation.

The Clerk read as follows:

NEW YORK, *August 28, 1913.*

Hon. E. F. KINKEAD,
Congressman for Eighth District, New Jersey,
Washington, D. C.

DEAR SIR: We take notice of an article on the 26th instant in the Journal of Commerce, New York City, and your interest in the matter of imported beef. In the past eight weeks we have sold 650 hind quarters of imported beef, about 100,000 pounds, at 2 cents a pound less than native beef. We have sold it in New York City, Washington, Boston, Albany, Troy, Ithica, and other places, and find that the goods give good satisfaction.

Of course, if the law will discriminate against foreign inspection, the present importers will become disheartened and will withdraw from the field. It is pioneer work in the interest of the public, and the benefit is more for the consumer than anyone else. However, we thank you for your interest in the matter and hope you are successful in your effort to reduce the high cost of living.

Yours, very truly,

GEO. C. ENGEL CO.,
GEO. C. ENGEL, *Treasurer.*

Mr. KINKEAD of New Jersey. Mr. Chairman and gentlemen, statement after statement was made by myself and other Members on this side of the Chamber that if we were able to open up the markets here to Australian and Mexican and Argentine beef the people of our country would be able to buy their meats at a lower figure than they have been paying for them during the past two or three years. This is but one evidence of many that I have received, principally from New York merchants.

But here in Washington, the week before last, the statement was made by one of our commission merchants here, similar to that which Mr. Engel made. And it must be borne in mind that these independent packers, independent merchants, are now paying 1½ cents a pound tariff duty on the meats that they import. This means that the retail merchant may buy from the commission merchant, after the Underwood bill is passed, at at least 3½ cents a pound less than he is paying for it now.

The reports which I have on hand from the Bureau of Foreign and Domestic Commerce, together with the statements that appear from time to time in the trade journals of the packers, indicate that a difference of 3½ cents per pound in the price of meats to the retail dealer means a reduction of from 7 to 10 cents per pound to the consumer. It will therefore be seen, Mr. Chairman, that the statements that have been made by the agents of the Beef Trust and by some Republican Members of this House, that the removal of the duty from cattle and meats would in no way tend to reduce the cost of meat products to the consumer are erroneous.

At a later date I propose to submit to the House additional evidence along this line, which will prove to any fair-minded man that the position which I have assumed during my service in the House in endeavoring to secure the removal of all duties from cattle, as well as meat products, will bring about a reduction in the price of meats to the consumer of at least 20 per cent.

As further evidence, I bring to the support of my argument the testimony of at least two of the leading commission merchants here in the District of Columbia. They have stated in the public press that they have purchased a supply of Argentine beef and were able to sell it to the people of Washington at about 2½ cents per pound less than the representatives of the Chicago packers were charging the retail dealers here.

In my judgment, the full relief coming from the admission of foreign meats into this country free of duty will not come to the American people until the Underwood bill shall have been in effect about six months. Trade conditions and the delay incident to securing representation here among the independent packers by the foreign houses are responsible. But the relief promised by the Democratic Party will come—statements of the packers and their representatives notwithstanding.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. MANN. Mr. Chairman, I should like to make some observations on the subject introduced by the gentleman from New Jersey [Mr. KINKEAD], but I shall refrain. I yield 15 minutes to the gentleman from California [Mr. J. R. KNOWLAND].

Mr. J. R. KNOWLAND. Mr. Chairman, San Francisco having taken the initiative in requesting the legislation now before the House granting certain rights on the part of the Government to enable that city to obtain an abundant and pure water supply is generally regarded as the principal if not the sole beneficiary under the proposed act. But there are other California cities as vitally interested, chief among these being the municipalities of Oakland, Berkeley, Alameda, Hayward, and San Leandro, situated directly across the bay from San Francisco and within the congressional district I have the honor to represent.

That these are all growing communities is attested by a reference to census statistics. Oakland in 1900 had a population of but 66,960. The census of 1910 increased this to 150,174, and today a conservative estimate is 206,000. Berkeley jumped in 1910 from a population, under the census of 1900, of 27,220 to 40,434, and at the present moment can boast of 45,000. Alameda city in 10 years increased from 16,464 to 23,383, and can now safely claim a population of 27,000. The growth of Hayward and San Leandro has been in like proportion. The combined population of these cities in 1910 was 220,208 and of the entire county 246,131. To-day Alameda County has a population of fully 360,000, which is almost equal to that of the city and county of San Francisco.

It is generally conceded by those who have investigated conditions that these east bay cities will be compelled to eventually seek an additional water supply. At the instance of the cities of Oakland and Berkeley, Mr. J. H. Dockweiler, consulting engineer, was appointed in 1911 to investigate and report on the sources of water supply of the east bay region of San Francisco.

The resolution passed by the city of Oakland on March 20, 1911, providing for the appointment of engineers read as follows:

Whereas on the 21st of November, 1910, the council of the city of Oakland adopted its resolution No. 37418, reading as follows:

"Resolved, That the city of Oakland, in conjunction with the cities of Berkeley and Alameda, appoint some engineer to assist the board of engineers of the city and county of San Francisco in the preparation of the report to the Department of the Interior at Washington to be used at the hearing of the order to show cause now pending in that department for the revocation of the permit heretofore granted by that department for the use of Hetch Hetchy Valley as a reservoir site"; and

Whereas on or about the same date a resolution similar in form was passed by the city council of the city of Berkeley and by the city council of the city of Alameda: Now, therefore, be it

Resolved, That J. H. Dockweiler, of Oakland, and J. D. Galloway, of Berkeley, Cal., be, and are hereby, appointed engineers in accordance with said resolution; the said J. H. Dockweiler to prepare data upon existing and future needs of water supply for the cities of Oakland, Berkeley, and Alameda, and upon the possibilities of reenforcing such local supply from the Sierra Mountains and other outside sources.

Berkeley passed a similar resolution on March 7, 1911. Engineer Galloway resigned shortly after his appointment and the report was prepared by Mr. Dockweiler.

This comprehensive report shows that all available local sources will fall short of supplying the needs of the growing population of the east bay communities by 1926. Engineer Dockweiler was most careful in his estimates and conservative in his deductions. There are many who contend that there will be a shortage long before that date, particularly if there are successive dry seasons. The present water supply of the cities of Oakland, Berkeley, and Alameda is furnished from what is known as the Lake Chabot Reservoir, located in Alameda County, and also from artesian wells. It should be borne in mind also that part of the San Francisco supply comes from Alameda County, the Spring Valley Co. taking water from what is known as the Alameda Creek system; and it is not at all unlikely that this will eventually affect the Alameda County supply, lowering the water plane on the east side of the bay.

In the report of the advisory board of Army engineers to the Secretary of the Interior the scarcity of the Alameda County supply available for the east bay cities is discussed. In the hearing before the Public Lands Committee on June 26 Col. John Biddle, chairman of the advisory board, stated that the cities of Oakland, Berkeley, and Alameda were in very poor situation and that they had about reached the limit of their immediate supply.

What I desire to impress upon this House particularly is the fact that this grant is not for a single city, but for the entire bay region. Bordering upon San Francisco Bay are six counties, containing a total population in 1910 of 829,955, or 35 per cent of the entire State. This population of the bay cities is rapidly increasing, for in California during the past decade the urban population increased two and a half times as rapidly as the rural. What will contribute to the growth of this particular locality is the fact that practically 80 per cent of the arable land of California is tributary to this San Francisco Bay region.

As these localities grow the development of all the near-by sources, including the supply of the Spring Valley system, the People's Water Co., and other small companies and private plants will fall far short of meeting the needs. This fact being generally recognized, the only question is as to the best and most available future supply. I am convinced after going over the various and most exhaustive reports, including that of the advisory board of Government engineers, that the Hetch Hetchy is the most feasible and, in the long run, will be the most economical of the various projects proposed. Surely the valley could not be put to any higher beneficial use than to furnish the people of the bay cities with a bountiful supply of pure, fresh water. It has been suggested that the language of the pending bill providing for the participation of the east bay cities is not satisfactory to these localities. When the bill was introduced and the hearings began I sent the following wire to Mayor Frank K. Mott, of Oakland:

WASHINGTON, D. C., *June 25, 1913.*

In bill introduced Monday granting San Francisco certain rights in matter of Hetch Hetchy water supply, it is provided that "other municipalities or districts may, with the consent of the city and county of San Francisco, or in accordance with the laws of the State of California, hereafter participate in the beneficial use of the rights and privileges granted." As this bill grants rights for the largest available water supply in the State of California, the only question entering my mind is whether the words "may, with the consent of the city and county of San Francisco, or in accordance with the laws of the State of California," would be satisfactory to Oakland and adjacent cities. San Francisco representatives declare that under the State laws providing for formation of municipal water districts Oakland and adjacent cities could not be barred from this supply by San Francisco. Appreciating tremendous importance of this matter to future of east side of bay cities, I would like to hear from these localities. Am mailing bills to-day to you and mayors of Alameda and Berkeley, and would suggest when bills arrive you call a meeting and wire me fully position. Hearings are now being held. Furnish copies this wire to Mayor Wilson, Berkeley, and Otis, Alameda.

J. R. KNOWLAND.

To my telegram I received the following reply:

OAKLAND, CAL., *July 6, 1913.*

Hon. J. R. KNOWLAND,
House of Representatives, Washington, D. C.:

Absence from city cause of delay in answering relative to water bill. Have had conference with San Francisco officials, and they agree with our suggestion to insert word "water" before "districts," line 7, page 2. While language of bill relating to other municipalities is not altogether satisfactory, we feel that under circumstances it is probably the best that can be done. Amended as herein suggested bill ought to be passed.

FRANK K. MOTT.

The amendment to the bill suggested by the mayors of the east bay cities was adopted, the language referring to other municipalities, found on page 2, line 9, now reading as follows:

For conveying water for domestic purposes and uses to the city and county of San Francisco and such other municipalities and water districts as, with the consent of the city and county of San Francisco, or in accordance with the laws of the State of California in force at the time application is made, may hereafter participate in the beneficial use of the rights and privileges granted by this act.

Fear has been expressed in certain quarters that San Francisco might not consent to the participation of the east bay cities. I think such a fear is groundless. In the first place, the compelling reason would be a financial one, for without the assistance of these other localities the burden upon San Francisco would be tremendous. San Francisco will be only too willing to cooperate. Let us consider the remote contingency of a refusal, or an attempt to hold up the bay cities. The constitution of California provides, article 14, section 1:

The use of water now appropriated or that hereafter may be appropriated for sale, rental, or distribution is hereby declared to be of public use and subject to regulation and control of the State in the manner to be prescribed by law.

The Railroad Commission of California, which exercises control over the public utilities of that State, its powers having been broadened by the adoption of a constitutional amendment within the past two years, would unquestionably exercise control over the municipality of San Francisco, having recently declared that it would not allow the city of Los Angeles, whose Owens River water grant is not dissimilar to the one now asked of the Government for San Francisco, to fix arbitrary rates for the sale of water for irrigation purposes along the line of its 150-mile aqueduct. In effect the commission held that it was within its power to prevent the city of Los Angeles from fixing such rates for the use of this water as might enable that city to quickly reimburse itself for the vast sums expended in the installation of its system. I am also of the opinion that under the remote possibility of a refusal on the part of San Francisco an appeal to the Secretaries of the Interior and Agriculture could be taken for an adjustment of any differences between the two localities.

On the other hand, should the Alameda County cities be made joint grantees with San Francisco at this time, they would necessarily be immediately asked to assume certain responsibilities and carry their proportion of the financial obligations so far incurred. As it now stands it is optional. If they conclude that the Hetch Hetchy project offers the best and cheapest water supply they can unquestionably participate as separate municipalities or by organizing themselves into a municipal water district under the State act of December 24, 1911. This act provides that the people of any city or county or of one or more municipal corporations in any county with or without unincorporated territory in such county may organize a municipal water district. When the district is organized it has power among other things to acquire or contract to acquire waterworks or a waterworks system, water rights, and so forth. It may also lease waterworks systems, exercise the right of eminent domain, and condemn property for public use. It may borrow money, issue bonds, and cause taxes to be levied to pay any obligation of the district.

While the preliminary steps have been taken to form such a district in Alameda County, considerable opposition has developed. This opposition is not against participation in the Hetch Hetchy project, but is due to certain provisions of the State act.

There is another State law, approved March 24, 1903, which provides that any two or more incorporated cities may jointly acquire and develop a water supply for municipal and domestic purposes.

If present State laws are not adequate to protect the interests of the east bay cities, a satisfactory legislative act could be passed between now and the time when the water supply will be available, the pending bill providing that municipalities or

water districts may participate with the consent of San Francisco or in accordance with the laws of the State of California in force at time application is made.

To sum up, the supply is urgently needed to-day by San Francisco and will be required by the near-by cities shortly. Every possible source of water supply has been examined, with the result that the Hetch Hetchy project has been determined to be the most practicable and by far the most desirable. The interests of the Government and the people are amply protected. By section 6 of the bill the grantee is prohibited from selling, assigning, or transferring the rights to any private person, corporation, or association. The Secretary of Agriculture, the Secretary of the Interior, the Director of the United States Geological Survey, the chairman of the United States Reclamation Commission, and the Chief Forester of the United States Forest Service have all indorsed the bill. It is also backed by the united congressional delegation of California.

I do not hesitate to frankly state that I am not particularly enamored of section 7, providing that the grantee shall pay to the Government after five years from the passage of the act $15,000 annually for a period of 10 years, and for the next 10 years $20,000 annually, and the remainder of the term of the grant, unless otherwise provided by Congress, the sum of $30,000 annually. This simply means that this amount will come out of the pockets of the water consumers of San Francisco and the east bay cities, if they participate. The water is for a public use, and the rights are not granted to a private corporation. The committee, however, insisted upon the insertion of this provision.

Notwithstanding this objectional provision, I shall support the bill. Nine years' experience in this body has taught me that no important measure of this character can be framed to meet fully the views of every individual Member. I appreciate that San Francisco has fought long to obtain this grant. Opposed by private water corporations, besieged and hampered by those seeking to unload other water projects, held up by landowners, the city is at last to be given the opportunity of realizing its fondest hopes in obtaining a water supply that will equal, if not excel, that enjoyed by any city in the world. The bill should receive the unanimous support of the membership of this House.

I will insert as part of my remarks two editorials from leading Alameda County papers supporting the Hetch Hetchy bill:

[Editorial from the Oakland (Cal.) Tribune, July 23, 1913.]

LET US STAND WITH SAN FRANCISCO FOR HETCH HETCHY.

Oakland and her sister cities have an interest in the Hetch Hetchy water scheme that should make them allies of San Francisco and give their support to the bill now before Congress. This interest is contingent as yet, but it is none the less vital, and the sense of remoteness should not lead us to ignore a proposition which should enlist both our sympathies and self-interest.

Steps are now being taken by the cities on the Alameda shore to inaugurate the policy of public ownership of water supply and the facilities for supplying water. One of the chief objects in view is acquiring a more abundant and dependable supply, for the increasing droughts will in a few years reach the limit of the supply that it is possible to obtain from local sources. We must look to the high Sierras for a future supply that will be at once pure, abundant, and permanent. This can only be obtained by cooperating with San Francisco to bring in a supply that can never be interfered with and which will be a guaranty against all vicissitudes in future and forever remove the menace of water famine from the cities around the bay.

The Hetch Hetchy scheme promises all we could ask in this direction. An adjustment of the differences between the irrigators of the San Joaquin Valley and the authorities of San Francisco which permits of a division of the water of the Tuolumne River has been reached on a basis that will supply the wants of each without interference with the agricultural development of the valley. The only obstacle now to be overcome is the objection made in Congress to granting San Francisco the use of Hetch Hetchy Valley as a storage basin, an objection that Senator WORKS has unexpectedly and, as we believe, mistakenly voiced. Regard for their own interests and their future security against water shortage should prompt the people on this side of the bay to assist in removing this objection. Senator WORKS should be urged to withdraw his objection in the public interests and lend his aid to a solution of the water problem of the bay cities that will inflict injustice on no one and substantially benefit nearly a million people.

So far as we on this side of the bay are concerned, the proposition is simple. San Francisco proposes to make available a minimum supply of 400,000,000 gallons daily stored and conserved in the high Sierras—a quantity adequate to the needs of 5,000,000 people. That great supply will insure Oakland, Berkeley, and Alameda an abundance of water for generations to come. If we need more water we can buy wholesale from San Francisco without sacrificing our municipal independence or surrendering domestic control of the rate-making power or the administration of the local systems of distribution. With the situation around the bay in view, the legislature has passed laws expressly permitting this to be done.

The Hetch Hetchy project, therefore, provides a reserve and resource which can be made available any time we need it on terms of perfect equality with the people of San Francisco, and will guarantee us against water shortage for generations to come. In giving this project our aid and encouragement we are not committing ourselves to share the cost it will entail, but assisting to provide a protection and an assurance for ourselves and our sister cities around the bay that will remove an element of doubt which disturbs our domestic politics and is an obstacle to growth.

[Editorial from the Oakland (Cal.) Enquirer, July 23, 1913.]

SAN FRANCISCO'S WATER SUPPLY.

No good purpose can be served by the prevention of a vote of Congress upon the bill whereby the city of San Francisco is seeking to gain rights to carry forward her desired Hetch Hetchy water-supply project. Nothing is asked by her that is designed to work prejudice to the rights of any individual, corporation, irrigation district, or municipality. Nothing is sought in contravention of any law, contract, or public policy. Upon its part, under the terms of the bill, the city of San Francisco stands to make good upon all conditions imposed as a condition of the continued enjoyment of the privilege sought.

The right to immediate consideration of this matter before Congress—and this is all that is now insisted upon—is supported by a condition of dire significance to 500,000 people. Already that city's water supply is less than that of Seattle, with only half San Francisco's present population. Moreover, the water supply now furnished, though inadequate, is of a quality to preclude its use, in part, and to constitute a menace to the health of the users to a considerable extent. Without the district reached by the high-pressure salt-water fire service, there is not sufficient water in San Francisco's present service to afford reasonable protection against fire. Indeed, she has suffered within the past week a very considerable property loss by fire for the lack of an adequate water supply. And, worst of all, the possible capacity of the present system has been reached.

We understand that this matter of granting to San Francisco the rights she desires is already sanctioned by Government engineers who have made the project subject of rigid investigation. It is understood that in making up its findings and recommendations the Board of Engineers set forth an unqualified indorsement of the scheme, emphasizing the fact that the Hetch Hetchy system could be built at a saving of $20,000,000 over any other possible.

This imperative matter is one which by being delayed works a serious present hardship, and is fraught with a perilous menace for the future in that it retards any alternative action until finally settled. Already San Francisco has expended $1,700,000 in the work, and naturally feels that no abandonment of the project can be thought of. She simply awaits a determination of the matter by a vote of Congress, and will then be resigned to act accordingly.

As 10 years would probably be required to build the great system proposed, any unnecessary delay in determining the matter is a manifest hardship.

I will also print a brief analysis of the Hetch Hetchy bill.

ANALYSIS OF H. R. 7207.

[A bill granting to the city of San Francisco rights of way for water-supply system and incidental hydroelectric power plant in the Yosemite National Park, the Stanislaus National Forest, and public lands in the State of California.]

The theory on which this bill is drawn is that the United States, having sole jurisdiction over the national park, has the right to refuse the grant and also has the right in making the grant to impose certain conditions upon the grantee.

The bill is not drafted nor designed nor intended to usurp the powers of the State of California in the matter of control of the distribution of water. The conditions imposed—which are acquiesced in by the grantee—relate only to the protection of certain rights of the Turlock-Modesto irrigation district by recognizing, without affecting one way or the other prior rights of the said districts to certain waters in the Tuolumne River, the source of this river being the Hetch Hetchy Valley.

Section 1 provides a grant of all necessary rights of way not exceeding 250 feet, as in the judgment of the Secretary of the Interior and the Secretary of Agriculture are required for the construction and operation of a water-supply system for the city of San Francisco and other cities which may hereafter join in the metropolitan water district about San Francisco Bay. The grantee is required to file maps showing proposed location of rights of way, power houses, pole lines, roads, trails, bridges, etc., and procure the approval of the Secretary of the Interior as to these locations. Within the jurisdiction of the Stanislaus National Forest, the approval of the Secretary of Agriculture must be procured. This section is analogous to and practically identical with the grant made to the city of Los Angeles for a water-supply system from the Owens River.

Section 2: This section requires the grantee to file with the registers of the United States land offices within three years all maps showing boundaries or locations, and prohibits permanent construction work until maps shall have been filed and approved. Proviso 1 permits changes in location by approval when engineering problems are met and such changes are advisable. Proviso 2 provides that the rights of the grantee already procured shall be given due consideration and relate back to the filing of maps as provided in this section. Proviso 3 is to the effect that copies of maps already filed and approved under previous permits may be approved by the Secretary of the Interior.

Section 3 provides that the rights of way granted shall not be effective over homestead, mining, or other valid claims which in law constitute prior rights unless the grantee shall procure relinquishment by due process and just compensation; and further, the section provides that any such entryman or claimant shall have the right to sell and the grantee shall have the right to purchase rights of way over homestead or other claims. A proviso prescribes that the act shall not apply to lands embraced in rights of way heretofore approved for the benefit of any party other than the said grantee or its predecessors in interest.

(The language of section 3 and preceding sections is designed to protect the vested rights heretofore procured by the grantee or others.)

Section 4 provides that the grantee shall conform to all regulations prescribed to govern the Yosemite National Park and the Stanislaus National Forest, and further provides that no timber shall be cut in the national park or in the forest reserve except such timber as may be actually necessary to construct, repair, and operate its water and electric power system. All timber cut shall be designated by the Secretary of the Interior or the Secretary of Agriculture where such timber is outside the right of way. Proviso 1 prohibits the cutting of any timber in the Yosemite National Park, except from land to be submerged or which constitutes an actual obstruction to the rights of way or to any road or trail provided in the act, and to preserve artistic harmony the grantee is compelled to submit designs and structures to the Secretary of the Interior for approval. It is intended that all permanent dams, buildings, etc., shall conform to the landscape surroundings.

(The grantee acquiesces in this proviso, which is designed to prevent the cutting of a stick of timber in the Yosemite National Park, and thus prevent any possible destruction of trees within the reservation, and also to make the park as artistic as possible.)

Proviso 2 of section 4 requires the grantee to construct and maintain bridges and crossings over its rights of way of such character and construction as may be prescribed by the Secretary of the Interior or the Secretary of Agriculture, and, further, the grantee shall, upon order of the United States officials, construct and maintain fences along the rights of way. It is still further provided that the grantee shall clear its rights of way of débris and inflammable material, thus preventing forest fires, and also shall permit the free use by Government officials of all trails, telephone and telegraph lines, railroad and other utilities which may be constructed as adjuncts to the water-supply system.

(The requirements of this section cause the grantee to expend a considerable sum in the improvement of the park and the forest reserve and make access to these public places easy and comfortable. The expenditure of this money for this purpose is a consideration, in part, for the grant.)

Section 5 provides that the grant by the Federal Government is an easement and that the lands shall be disposed of only subject to such easement. Proviso 1 compels the grantees to diligently prosecute its construction work without cessation, and in the event that such construction work ceases for a period of three years and the Secretary of the Interior determines the grantee has not been duly diligent, all rights under the grant may be declared forfeited by suit in the United States District Court for the Northern District of California. The Attorney General is required to prosecute such suit to final judgment when requested to do so by the Secretary of the Interior. Proviso 2 provides that the Secretary of the Interior shall not attempt to make a forfeiture if the work of the grantee has been delayed or prevented by the act of God or the public enemy, or by engineering or other special or peculiar difficulties which could not have been reasonably foreseen and overcome and were beyond the control of the grantee. Proviso 3 compels the grantee to at all times comply with the regulations authorized by the act, and in the event of material departure from said regulations the United States officials may take such action as may be necessary, in the courts or otherwise, to enforce such regulations.

Section 6 provides that the grantee is prohibited from selling or letting to any corporation or individual, except a municipality, a water district, or an irrigation district, the right to sell or sublet the water or electric energy sold or given to it by the grantee; it is provided also that the rights under the grant shall not be subject to sale, assignment, or transfer to any private person, corporation, or association.

(This provision, acquiesced in by the grantee, was designed to prevent any monopoly or private corporation from hereafter obtaining control of the water supply of San Francisco.)

Section 7 provides that for and in consideration of the grant the grantee shall make certain payments, the proceeds of which are to be used exclusively for the construction of roads and other improvements in the Yosemite National Park and other national parks in the State of California. The theory of this section is that San Francisco is receiving certain privileges and benefits from the national park, and that the consideration is for the use of public lands now owned by the United States. The payments proposed will, it is estimated, amount to more money annually than is at present charged to private corporations under similar Federal conditions. It is proposed that the grantee shall pay, beginning five years after the passage of the bill, the sum of $15,000 annually for a period of 10 years; $20,000 for a period of 10 years thereafter; and, unless otherwise provided by Congress, $30,000 annually for the remainder of the term of the grant. The moneys so paid are to be kept in a separate fund by the United States and applied to park improvements as designated by the Secretary of the Interior. Congress retains the power to revise the schedule.

(The amounts specified in this section are approved by the Secretary of the Interior and his subordinates. The method of providing for improvement of the park is also approved.)

Section 8 defines the grantee as the city of San Francisco and such other municipalities or water districts which may, with the consent of the city or in accordance with the laws of the State of California, hereafter participate in or succeed to the beneficial rights and privileges of the act.

(The cities about the Bay of San Francisco have always approved the granting of the Hetch Hetchy Reservoir site to San Francisco, with the understanding that these cities may in the future join with the city of San Francisco in a metropolitan water district. The State law of California provides for the creation of a metropolitan water district, and because of this law the bay cities have not requested at this time to be made cograntees. They know they will have the privilege to share in the benefits after San Francisco has made the necessary investment and brought the needed water to the bay cities for domestic use.)

Section 9 requires the grantee to observe sanitary regulations within the Hetch Hetchy watershed and around reservoir sites. These regulations provide that no human excrement, garbage, or other refuse shall be placed in the waters of any reservoir or stream, or within 300 feet thereof; and, further, that all sewage from permanent camps or hotels within the watershed shall be filtered by natural percolation through porous earth or otherwise adequately purified; and, further, no person shall bathe, wash clothes or cooking utensils, water stock, or in any way pollute the water of the reservoirs constructed under this grant or the streams leading thereto within 1 mile of said reservoir. The cost of inspection necessary to enforce sanitary regulations is to be paid by the grantee, and such inspection shall be under the direction of the Secretary of the Interior. Should these regulations prove insufficient to the grantee, then the grantee shall install a filtration plant, and no other sanitary rules or restrictions shall be granted.

(These sanitary regulations were prepared by experts of the United States Government and Mr. Allen Hazen and Prof. Whipple, and are approved by the Board of Army Engineers, the Secretary of the Interior, the Director of the Geological Survey, and others. It is intended that the use of the watershed shall be free to campers and visitors, and that no onerous or prohibitive sanitary regulations shall ever be imposed. The sanitary experts assert that the storage of water in the Hetch Hetchy reservoir will insure adequate purity, and the Government officials assert that the regulations herein are only those required by common decency and for the protection of campers themselves; and, further, these regulations are practically identical with the rules now in force in the Yosemite National Park.)

Paragraph (b), section 9, provides that the grantee shall recognize the prior rights of the Modesto and Turlock irrigation districts to 2,350 second-feet of water. This provision permits of the enlargement of the districts as now constituted by an additional area of 43,000 acres, but does not affect the distribution of water.

(The irrigation districts having prior rights desire that those rights be recognized on the theory that the Government, having the right to refuse the grant to San Francisco, has therefore the right to place lawful conditions therein. The recognition of these priorities does not impinge upon California State law or modify existing rights.)

Paragraph (c), section 9, is a condition that the grantee shall be required to release the necessary amount of stored water to assure the flow of 2,350 second-feet included in the priorities of the irrigation districts; and, further, condition (c) recognizes the rights of the said irrigation districts to take 4,000 second-feet of water out of the natural flow of the Tuolumne River during a period of 60 days following and including April 15 of each year.

(Condition (c) is a limitation upon the grant, according to the theory of the bill, and is protective of rights already acquired and which can not be disturbed so far as they relate to the irrigation districts. The provision relating to the 4,000 second-feet of water is to provide for the beneficial use by the irrigationists of water which otherwise goes to waste. In the period mentioned, April 15 to June 15, the Tuolumne River is a torrential flood. Fifty miles of watershed intervene between the Hetch Hetchy Dam and the dam of the irrigationists at La Grange. It is proposed that the irrigationists may take up waste waters, store them, and thus lessen the possible draft upon the stored waters of the city. It should be borne in mind that San Francisco does not contemplate interfering with the natural flow of the Tuolumne. The intent is to store flood waters which come from melting snows and leave the normal flow of the river uninterrupted. The benefit to the irrigation districts in this provision is that the landowners will receive the benefit of an investment of approximately $50,000,000 without being compelled to put up any part of the cost, and the construction of the system will insure the priorities of the irrigationists and they will receive water in the dry period, when it is most needed. Without the construction of the Hetch Hetchy Dam there can be no flow in the river during the summer and fall.)

Paragraph (d), section 9, provides that the grantee shall sell unused stored water needed for beneficial use on irrigable lands at cost, to be computed by the Secretary of the Interior. The minimum and maximum of such stored waters to be so delivered to the irrigation districts is to be regulated each calendar year, and if the irrigation districts develop sufficient water in the foothill reservoirs for their own needs then the said grantee shall not be required to sell or deliver any stored waters. It is also provided that water used for the generation of electric power be released in the Tuolumne River free.

(The theory of condition (d) is that after the domestic needs of the city are satisfied and a surplus remains then the irrigation districts shall have the right to purchase so much of this surplus as may be beneficially used. In the event of any dispute the Secretary of the Interior may be called in to adjust the differences.)

Paragraph (e), section 9, provides that the Secretary of the Interior shall fix the minimum and maximum of stored waters to be released, and he shall also fix the price to be paid therefor, in accordance with the provisions of paragraph (b).

Paragraph (f), section 9, provides that the Secretary of the Interior shall revise the maximum and minimum amounts of stored water to be released whenever the irrigation districts shall have properly developed certain reservoir and storage dams in the foothills. In the purview of this condition the irrigationists may not be required to expend more than $15 per acre-foot storage capacity for the development of local storage, and it is further provided that the grantee may require the stoppage of excessive water losses and waste because of defective ditches.

(This and preceding conditions are acquiesced in by the grantee and by the irrigation districts. The provision is the result of an amicable settlement between the two parties.)

Paragraph (g), section 9, provides that the grantee shall not be required to supply stored water to the irrigation districts until the latter shall have first drawn upon their own stored water to the fullest practicable extent.

(This is also agreeable to all parties.)

Paragraph (h), section 9, provides that the grantee shall not divert beyond the limits of the San Joaquin Valley any waters of the Tuolumne watershed in excess of the amount to be used for domestic and municipal purposes.

(The purpose of this provision is to make possible the use of surplus waters in the San Joaquin Valley and prevent the use of possible surplus for irrigation of lands remote from the Tuolumne River. John R. Freeman, consulting engineer for San Francisco, suggested that surplus water might be economically used for intensive farming in lands contiguous to San Francisco Bay. Inasmuch as San Francisco expects to purchase the local water supply, and thus acquire sufficient water for local irrigation purposes, it was deemed advisable and economical to provide that surplus from the Tuolumne should be used in the San Joaquin Valley. This is an economic use of water for the highest purpose of all concerned.)

Paragraph (i), section 9, provides that the grantee shall at its own expense provide water-measuring apparatus and keep hydrographic records, which apparatus and records shall be open to inspection by any interested party at any time.

Paragraph (j), section 9, is the engineers' definition of the flow of the Tuolumne River.

Paragraph (k), section 9, requires San Francisco to build a dam at least 200 feet high.

(This means that the city will expend from $500,000 to $1,000,000 in excess of initial expenditures necessary for its immediate needs. The intent is to build the dam high enough to provide adequate storage to meet the conditions of the grant, and is primarily a benefit for the irrigationists.)

Paragraph (l), section 9, provides that the grantee shall sell excess of electrical energy to the irrigation districts and municipalities within the irrigation districts for the beneficial use of landowners, whenever such excess is not required for the actual municipal purposes of the grantee. It is also provided that no power plant shall be interposed on the conduit of the grantee except by the grantee itself. The proviso of the paragraph is that the grantee shall first satisfy the needs of landowners for pumping water for drainage or irrigation and the needs of the municipalities within the irrigation districts for municipal purposes, before excess of electrical power may be sold for commercial purposes.

(This is a direct benefit to the irrigationists, and places no burden or hardship upon the grantee.)

Paragraph (m), section 9, provides for the development of electric power. The grantee is required to develop 10,000 horsepower within 3 years after the completion of that portion of the system which is usable for power development. Within 10 years thereafter the grantee shall develop 20,000 horsepower, and within 15 years 30,000 horsepower, and within 20 years 60,000 horsepower, unless in the judgment of the Secretary of the Interior the public interests will be satisfied with a lesser development.

The prices of electricity are to be fixed under the laws of California, or, if there be no such laws, at prices approved by the Secretary of the Interior, such prices to return to the grantee actual cost of construction.

Paragraph (n), section 9, provides that if the grantee fails to develop horsepower as directed herein, then the Secretary of the Interior may lease to such person or persons as he may designate those portions of the rights of way, structures, dams, etc., as may be necessary for development, use, and sale of power which the grantee has failed or neglected to develop.

(This is a forfeiture penalty to prevent cold storage of power possibilities.)

Paragraph (o), section 9, provides that rates to be charged for power for commercial purposes (in the event that lease is made to another party under paragraph (n)) shall conform to the laws of the State of California, or in the absence of any such law shall be subject to approval by the Secretary of the Interior; and it is also provided that all records, books, etc., shall be open to inspection by the Secretary of the Interior.

Paragraph (p), section 9, provides for the building of roads and trails in the Yosemite National Park as designated by the Secretary of the Interior.

(The routing of these roads and trails was made by Mr. Marshall, of the Geological Survey, who surveyed the Hetch Hetchy Valley and is familiar with all the scenic and topographical conditions there. These roads will cost the city of San Francisco $500,000 to $1,000,000, and are to be turned over, free of charge, to the United States. This is one of the important considerations, and carries compensation to the Government for the rights of way granted. The construction of these roads will make the Hetch Hetchy Valley accessible and will provide a convenient and easy way for mountaineers to reach the higher parts of the Sierra. The paragraph also contains a requirement that the grantee shall provide a water supply for camp purposes at the Meadow camping place, a third of a mile from Hetch Hetchy. It is also provided that all trail and road building shall be done subject to the approval and direction of the Secretary of the Interior or the Secretary of Agriculture, according to their respective jurisdictions.)

Paragraph (q), section 9, provides that the grantee shall furnish water at cost to any authorized occupant within 1 mile of the reservoir, and shall repair and maintain roads and trails constructed under the provisions of the grant.

Paragraph (r) provides that the grantee shall pay all the cost of inspection and investigations which may be required of the Department of the Interior where such investigations and inspection involve expense to the department.

Paragraph (s) provides that the grantee shall file an acceptance of the conditions of this act within six months after its passage.

Paragraph (t) requires the grantee to convey to the United States any and all tracts of land now owned by the city within Yosemite National Park or the national forest, which lands are not actually required for use under the provisions of this act.

(The city of San Francisco purchased private lands for the purpose of exchanging the same with the Government in lieu of that portion of the floor of the Hetch Hetchy Valley which is not owned by the city. The purpose of this plan is to provide suitable and desirable camping places for visitors who may wish to visit the Sierra and who would otherwise have camped in the Hetch Hetchy, and at the same time compensate the United States for lands to be submerged.)

Paragraph (u) provides that the grantee shall sell the water at cost to the military reservations at San Francisco. This was requested by the Secretary of War and is acquiesced in by the city.

Section 10 provides that the conditions of this grant shall be a binding obligation upon the grantee so far as the conditions relate to the irrigation districts.

Section 11 provides that this act shall not be construed as affecting or intending to affect or in any way to interfere with the laws of the State of California relating to the control, appropriation, use, or distribution of water or any vested right acquired thereunder, and the Secretary of the Interior is directed to proceed in conformity with the laws of the State of California in carrying out the provisions of this act.

Mr. CHURCH. Mr. Chairman, there have never been but two real objections urged, as far as I am advised, to the passage of this bill—the one by nature lovers, splendid people, who claim the beauties of the mountains will be marred by the making of this grant; the other by the farmers, thousands of feet below on the great San Joaquin plains, whose farms depend for life upon the waters of the mountains originating in the region of the Hetch Hetchy.

I do not share in the conclusion of the nature lovers that a lake covering a part of this valley will detract from its beauty; on the contrary I am persuaded a lake will add new charms to the scenery. One must understand the geography of our mountains out there in order to be able to properly decide. As you know, the Sierra Nevada Mountains constitute the eastern boundary of the State of California and rise to an average height of 9,000 feet, while now and then a sentinel lifts its snowy head above 14,000 feet.

On the western slope of this mountain range, about midway from the summit to the plains, an ancient forest stands. Its width from east to west has an average of 40 miles, while it extends from north to south 600 miles within the State. And you, my colleagues, who love Allegheny's heights or the Adirondack's woods, would stand in rapture anywhere among that California woods; and I invite you some time, when worn with the busy cares of life, to go out there and spend a few summer or autumn days wandering amid those heights, and when you do I want you to climb those mountains and stand at close of day, like the pioneers of old, upon their rugged, ragged tops, and while leaning on your walking stick lift your eyes westward above and beyond the San Joaquin Valley and past San Francisco and her Golden Gate to the sun sinking as behind a mountain range on fire into the Pacific far away, a picture grand, picturesque, sublime, painted by the hand of God, and in the morning you will see the twin sister picture of the night before, the sunrise above the Wasatch, this side of the Great Salt Lake, a thousand miles away. From where you stand take any course and you will be repaid. Go to the Yosemite and look down into its blue abyss.

Stand where the storm king reigns upon his granite throne,
Up where the lightnings flash around the thunder's home,
Up where the eagle builds her nest, and the lofty peaks defy;
Where rivers fall from towering heights, and rainbows paint the sky.

In this sublime place you should stop for a few days and absorb wonders no tongue has ever yet described.

From there go to the Tehippitti, back in the mountains from Fresno, on the plains, with its domes 5,000 feet hanging overhead, monarchs of the sky, chiseled smooth and polished through the ages by winter's storm and nature's hand, and oh, the mossy glades, the tossing fountains, the drifting spray, the fishes in the stream eager to grasp the hook, the wild deer bounding around the cliffs, and the sighing pine trees overhead will charm your heart.

Go from this to Boyden Cave, but a few miles away, and with lantern travel underground and view chambers more gorgeous than palaces of kings, and see stalactites and stalagmites of rare size and strange hue, pictures crocheted upon the walls which limewaters have silently wrought in the dense darkness through countless ages, palaces and mansions beneath 2,000 feet of rock, whose architect is God.

Go to our redwood groves, choice as they are, but 8 miles away, and wander about these monstrous trees, for as Mount Whitney, less than a hundred miles from them, lifts its snowy, ancient head above all other mountains of this land so these great trees stand without kith or kin, survivors of another age from which all but they are gone. Oh, if they could speak, what strange stories would they tell of mountain peaks, of canyons, of wilderness, and possibly of men—history not written on tablets or in books, but on circles, strata, petrification, and mountain banks of shells. They would tell of a day about which no others speak, when mad winds swept the land, when strange clouds and smoke filled the sky and when ashes fell, when cliffs went down and mountains rose and canyons deep were made, and the great inland waters burst through the Golden Gate and mingled with the seas and the western plains were born. They would tell how when the storm was past they stood alone, their companions gone, a new world everywhere. Oh, if they could only speak, what history would they tell; but they will not speak. What did I say? They will not speak? Why, in days gone by they have spoken in silvery tones to me. When, a shoeless child, I tried to climb their rough and rugged trunks, they spoke to me; when, in after years at night I camped alone amid their groves and heard the forest winds and saw the shadows change and the great moon drifting overhead, they spoke to me; and in winter, far back in Sierra's heights, when the snow was deep and fond memories constrained me to visit my ancient friends, I found them standing as they had stood through the ages, and there in solitude, clad in overcoats of snow, these sullen, sulky giants spoke to me. I never asked them a question they did not answer; and, oh, the choice lessons they imparted! They taught me to love the lesser trees, the vines, the mountain trail, the snow-clad heights, and all the wonders of the woods. They taught me to love my fellow man. They made me wonder, and as I wondered I thought of God, the destiny of my country, and of the human race.

Mr. Chairman, many lessons during my lifetime I have learned, some that lighten my pathway and make it sure and others that darken and hover as angry clouds; but from the lessons that these California mammoth trees have taught I have gathered dewdrops and honey dew, which has sparkled and sweetened the hours of life.

I might go on and describe the wonders and beauties of this picturesque mountain range, for we surely have scenery there; but, in my judgment, God, when He commanded the wonders and beauties of all of the earth to appear on the western slope of the Sierra Nevada Mountains, overlooked nothing save a few extra lakes, which He might have placed here and there. The eastern slope of these mountains is not the same, for Donner, Lake Tahoe, and other lakes, beautiful beyond description, make the hearts of the wayfarer glad, but on the Hetch Hetchy side lakes are few and very small; and so I say to you, as I said before, I believe a lake covering part of the Hetch Hetchy Valley will add new charm to this already beautiful place, for around about this lake campers and nature lovers will pitch their tents, and instead of a valley, in which the mountains are already rich, will appear a beautiful mountain lake, blue, deep, and clear, in which fishes swim and on the surface of which rowboats and sailboats glide; and nature lovers and natural lovers and rheumatic members of the Sierra Club will

sit on the rocks along the shore in the morning time, and just before sunrise will look upward at the great cliffs, rising perpendicular, thousands of feet on every side, and then down into the clear waters where the great shadows fall and into the waters as if into a looking-glass all the outlines and beauties of the mountains will again appear; and as the sun sinks in the evening behind the mountains to the west the same picture will greet the eye, and at bedtime, just as the nature lover spreads his blankets upon the pine boughs, the real lovers, hand in hand and arm in arm, will wander among the rocks along the shore, and there will be a sky above and a sky below, for the moon and the stars will shine in the waters even as they do overhead, and the moonlight wanderers, looney and mooney as they are, will see beauty everywhere.

As I said at the outstart, the second real objection to the making of this grant has been urged by the irrigationists of the San Joaquin Valley, who have been fighting the proposition for years; but I am pleased to say most of them are now satisfied with the provisions of this bill and have asked me to support it and urged its passage at this time. They have sent me certain telegrams, which I now read and trust will appear in the RECORD:

HUGHSON, CAL., *August 14, 1913.*

Hon. DENVER S. CHURCH, M. C.,
Washington, D. C.:

At a mass meeting of taxpayers and irrigators of Hughson section of the Turlock irrigation district the secretary of the meeting was instructed by resolution to wire you to vote for and use your influence for the immediate passage of the Raker bill as approved by our committee.

E. F. SAWDEY, *Secretary.*

—

TURLOCK, CAL., *August 14, 1913.*

DENVER S. CHURCH,
House of Representatives, Washington, D. C.:

We, the committee appointed by a citizens' mass meeting of the Turlock irrigation district, working in conjunction with the directors of said district, do hereby indorse the work of the representatives of the Turlock and Modesto irrigation districts sent to Washington for the purpose of protecting our rights as against the proposed claims of San Francisco, as set forth in a certain bill known as the Raker bill. We further ask our Representatives in Congress to support and vote for the said Raker bill, H. R. 7207, as reported out of the Public Lands Committee and now before Congress.

Unanimously carried.

H. C. HOSKINS, *Chairman.*

—

MODESTO, CAL., *August 13, 1913.*

DENVER S. CHURCH, M. C.,
Washington, D. C.:

At a joint meeting of the board of directors of the Modesto and Turlock irrigation districts held in Modesto this day the action of the committee sent to Washington to represent the districts was fully indorsed and the Raker bill, as recommended by the House committee, was approved. The boards also passed resolutions requesting our Representatives in Congress to use their best efforts to pass such bill and oppose the passage of any bill granting San Francisco the Hetch Hetchy which does not contain provisions recognizing and protecting the rights of the districts in the Tuolumne watershed, as provided in the bill.

Stanislaus County Board of Trade passed resolutions on Monday night in effect that no further opposition would be made to the Raker bill. Some little opposition to the bill has been engendered by persons having special interests outside of the districts and by a few others who feel that the waters of the river should never be taken from the valley. People generally of the irrigation districts believe that under all the circumstances the Raker bill should be adopted without material amendments and that the strongest opposition should be made to any change in the bill which would eliminate any of the conditions in favor of the districts.

C. S. ABBOTT,
Secretary Joint Meeting Members of Directors Modesto and Turlock Irrigation Districts.
P. H. GRIFFIN,
Attorney Turlock Irrigation District.
E. R. JONES,
Attorney Modesto Irrigation District.
L. W. FULKERTH.

Mr. Chairman, the authors of these telegrams, as well as myself, were originally opposed to this grant, and I at first opposed it in no uncertain terms; but the people representing the irrigation districts and the irrigationists in general sent to Washington certain distinguished gentlemen from the San Joaquin Valley to represent the interests of the irrigationists before the Public Lands Committee, of which committee I have the honor of being a member. Among those who thus represented the irrigationists were Hon. J. C. Needham, former Representative in Congress from the San Joaquin Valley; Judge Fulkerth, superior judge of Stanislaus County; Messrs. Griffin and Jones, attorneys who represented the two irrigation districts; also James W. Corson, chairman of the Chamber of Commerce of Modesto. These chosen representatives of the irrigationists presented their cause to the Public Lands Committee, and this committee, in order to safeguard in every way the rights of the water users of the San Joaquin, embodied in this bill certain conditions favorable to their interests; and I wish to say, gentlemen, that had these conditions not been thus embodied, instead of the telegrams which I have just read, requesting me to urge the immediate passage of this measure, 10,000 people, if necessary, from this far-away valley would have been here at this time, protesting against the making of this grant; and I want further to say to you so you will understand the true conditions, should by any means this bill, either here or in the Senate, be shorn of the conditions favorable to the irrigationists, it will cause broken prospects and broken hearts, and a blighting panic in the great San Joaquin Valley; but I feel such a contingency will never arise.

Mr. Chairman, I am a zealous advocate of irrigation. My people were the founders of the greatest system of irrigation that has been established in the West, and it has been with the greatest reluctancy that I have become an advocate of the measure now before this committee; but my constituency, formerly opposed to the grant, are now favorable to it, as shown by the telegrams which I have just read, and my own judgment being convinced I feel that I should follow the dictates of my judgment and the requests of my people.

That you may know the real history of irrigation in the San Joaquin Valley and my natural interest in the same, I desire to intrude a few moments more upon your time.

The San Joaquin Valley 50 years ago was a desert, bleak and bare, where nothing was seen to stop the desert winds save now and then a cottonwood tree that stood along the river's bank. On the border of this great plain, 200 miles in length and a hundred miles in width, in springtime the shepherd watched and fed his flock. During the remainder of the year nothing lived upon it except coyotes, horned toads, billy owls, and galloping lizards.

It was late in the sixties my uncle, M. J. Church, drove a span of mules down the eastern border of this valley, traveling from the north toward the south. One night he camped on the highlands near the beautiful Kings River at a point where, after making a descent of 10,000 feet, the river started on its meandering way across the plains. That night as he lay there upon the desert beneath the starlit sky, where no sound was heard save the coyote's cry and the river's swish as it beat against the rocks, he had a dream, and God was in that dream. He dreamed of a desert changed, where sagebrush no longer grew, where galloping lizards no longer beat the sand, where the coyote's howl had ceased and wailing winds no longer sighed. He dreamed of happy homes where orchards and alfalfa grew, where grapevines twined and vineyards made the landscape green. He dreamed of cities flourishing upon those plains—a civilization of sturdy, rugged men. At daybreak his mules were headed toward the north, to the land from whence he came, not to remain, however, but to bring reenforcements that he might carry out his dream.

A few years ago he died, but his dream had long been fulfilled. A great cement dam he had thrown across that river, and 600 miles of ditches he had dug upon those sandy plains, and hundreds of thousands of people lived, and small cities and towns were there, a hundred million pounds of raisins were annually produced, and tens of thousands of acres of fruit trees and alfalfa everywhere. It was indeed a land transformed, a desert blossoming as the rose; and when the dear old man was gone they erected a monument there on which the sculptor drew with his chisel pictures in the granite stone. On this side a desert bleak, bad lands everywhere. On the other a goodly land with orchards and vineyards, where agriculture reigns, and above it all, impressed upon the rock, I trust for all time, the words "M. J. Church, Father of Irrigation."

Gentlemen, in conclusion let me say I have recited the narrative of my uncle's work so you may know my heart is with the water users of the San Joaquin; to impress upon you the fact that no conditions favorable to them should be stricken from this bill; that they have rights that all are bound to recognize; that their waters are their all. Rob them of these and you loosen pestilence in their land that will cause their vines to cast their fruit before the vintage time; their fruit trees to wither in the sun; their alfalfa, now so green, to turn to straw. So I ask all you who are farmers' friends; all who like to see his spring crops grow and his granaries full; all who believe that he who plows and toils and sows should also reap; I ask all such to guard with zealous care the farmers' interests in this bill.

The CHAIRMAN. Does the gentleman from California [Mr. CHURCH] reserve the balance of his time?

Mr. CHURCH. Mr. Chairman, I reserved the balance of my time, but I remember that I had a previous arrangement to give to my colleague from California, Mr. KENT, 10 minutes. After making that grant I reserve the balance of my time.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. HAY] having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7207) granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes, and had come to no resolution thereon.

ADJOURNMENT UNTIL SATURDAY AT 11 O'CLOCK A. M.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. I do this at the request of the gentlemen who have in charge the bill that has been under consideration to-day, in the hope that we can complete the bill to-morrow in time to let the Members of the House take the afternoon trains out of town.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow morning at 11 o'clock. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

LEAVE TO PRINT.

Mr. CRISP. Mr. Speaker, at the request of the gentleman from Ohio [Mr. POST], chairman of the Committee on Elections No. 1, I ask unanimous consent that those Members who spoke on the contested-election case of MacDonald against Young be permitted to extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. CRISP] asks unanimous consent that all those who spoke on the contested-election case of MacDonald against Young be permitted to extend their remarks in the RECORD. Is there objection?

Mr. RAKER. Mr. Chairman, reserving the right to object, in that connection I would like to have permission to extend a few remarks on that same subject. They will not take up more that 5 or 6 inches of the RECORD.

The SPEAKER pro tempore. The gentleman from California [Mr. RAKER] asks that the request of the gentleman from Georgia [Mr. CRISP] be modified so that he, too, may extend his remarks in the RECORD on the contested-election case of MacDonald against Young. Is there objection?

There was no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia as modified? [After a pause.] The Chair hears none, and it is so ordered.

THE CURRENCY BILL.

Mr. UNDERWOOD. Mr. Speaker, I overlooked a request of the gentleman from Virginia [Mr. GLASS]. At the request of that gentleman, chairman of the Committee on Banking and Currency, I ask unanimous consent that there may be printed 5,000 copies of the bill that he introduced to-day, H. R. 7837, and placed in the folding room for the use of the Members.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that 5,000 copies of the currency bill, introduced to-day by the gentleman from Virginia [Mr. GLASS], be printed and placed in the folding room for the use of the Members of the House. Is there objection?

Mr. MANN. Reserving the right to object, the gentleman from Alabama says "the folding room." Of course a very large share of the membership of the House is not here, and the copies of this bill will be only for current use. If they are not used in the next few days, they will be valueless. For the benefit of those Members who are here, why not let the printed copies of the bill go to the document room, so that they may all be available?

Mr. UNDERWOOD. Mr. Speaker, I will modify my request, and ask that the copies be sent to the document room.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. UNDERWOOD] modifies his request so that the 5,000 copies of the bill will be sent to the document room. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 36 minutes p. m.) the House adjourned until to-morrow, Saturday, August 30, 1913, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for furnishing permanent quarters to the auditors of the Treasury Department (H. Doc. No. 210); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of Belvedere Harbor, Cal. (H. Doc. No. 211); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

3. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of Salem Harbor, Mass., with a view to providing a channel 12 feet deep at mean low water from the outer harbor to the mouth of the South River (H. Doc. No. 212); to the Committee on Rivers and Harbors and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 6608) granting a pension to Dorothea Christmann, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of New York (by request): A bill (H. R. 7834) to authorize the construction and maintenance of a tunnel under Buffalo River; to the Committee on Interstate and Foreign Commerce.

By Mr. BORLAND: A bill (H. R. 7835) to provide a commission of Army engineers to investigate the impounding of flood waters on the Missouri River and its tributaries; to the Committee on Rivers and Harbors.

By Mr. LOBECK: A bill (H. R. 7836) for the recognition of the military services of officers and enlisted men of certain States and Territorial military organizations; to the Committee on Military Affairs.

By Mr. GLASS: A bill (H. R. 7837) to provide for the establishment of Federal reserve banks, for furnishing an elastic currency, affording means of rediscounting commercial paper, and to establish a more effective supervision of banking in the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. LONERGAN: A bill (H. R. 7838) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on the Public Lands.

By Mr. EDWARDS: A bill (H. R. 7839) to establish a fish-hatching and fish-cultural station for the hatching and propagation of shad in Georgia; to the Committee on the Merchant Marine and Fisheries.

By Mr. CARAWAY: A bill (H. R. 7840) to amend an act entitled "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878; to the Committee on the District of Columbia.

By Mr. BRITTEN: A bill (H. R. 7841) to provide for the erection of a Government armor-plate factory; to the Committee on Naval Affairs.

By Mr. PATTON of Pennsylvania: A bill (H. R. 7842) to establish a fish-cultural station in Center County, in the State of Pennsylvania; to the Committee on the Merchant Marine and Fisheries.

By Mr. GREGG: Resolution (H. Res. 237) providing for a committee to investigate cost of armor plate and gun forgings and the economy of their production by the Government; to the Committee on Rules.

By Mr. FOWLER: Resolution (H. Res. 238) to investigate the dissolution of the American Tobacco Co., and for other purposes; to the Committee on Rules.

By Mr. ESCH: Memorial of the Legislature of Wisconsin, favoring the setting aside of certain islands in the Great Lakes for the purpose of establishing thereon bird reserves; to the Committee on the Public Lands.

Also, memorial of the Legislature of Wisconsin, relating to the use of the postal savings deposits to provide funds for systems of State loans to farmers; to the Committee on the Post Office and Post Roads.

By Mr. GARNER: Memorial of the Legislature of Texas, favoring legislation establishing the Mescalero National Park; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOREMUS: A bill (H. R. 7843) to place Michael James McCormack upon the active list of the Navy; to the Committee on Naval Affairs.

By Mr. DRISCOLL: A bill (H. R. 7844) granting a pension to Edward Lichtenstein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7845) granting a pension to Frederick Rattke; to the Committee on Pensions.

Also, a bill (H. R. 7846) granting a pension to George W. Neily; to the Committee on Pensions.

Also, a bill (H. R. 7847) to remove the charge of desertion against C. S. Lockwood; to the Committee on Military Affairs.

By Mr. GREGG: A bill (H. R. 7848) for the relief of Ten Eyck De Witt Veeder, commodore on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. KEY of Ohio: A bill (H. R. 7849) granting a pension to Henrietta A. Silver-Grim; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7850) granting an increase of pension to D. H. Clifton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7851) granting an increase of pension to John Beckley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7852) granting an increase of pension to Henry Friar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7853) granting an increase of pension to Joseph A. Beach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7854) granting an increase of pension to William Goodin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7855) granting an increase of pension to William E. Gault; to the Committee on Pensions.

Also, a bill (H. R. 7856) for the relief of Samuel Cole; to the Committee on Military Affairs.

Also, a bill (H. R. 7857) to correct the military record of Charles Beach; to the Committee on Military Affairs.

By Mr. LAFFERTY: A bill (H. R. 7858) granting a pension to Alice G. Hudson; to the Committee on Pensions.

Also, a bill (H. R. 7859) for the relief of Joseph Glessner; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 7860) granting a pension to Martha Tincher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7861) granting a pension to Levi Salier; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 7862) granting an increase of pension to William Dunn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7863) granting an increase of pension to Lucinda Hyde; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 7864) granting an increase of pension to John E. Iman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7865) granting an increase of pension to Louisa Wildman; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 7866) granting an increase of pension to Joseph Lambert; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 7867) granting an increase of pension to Susan I. Keene; to the Committee on Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 7868) granting a pension to Rose Gregory Houchen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7869) granting an increase of pension to William Birmingham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7870) granting an increase of pension to Frank W. Dickey; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 7871) granting a pension to Moses S. Pittman; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 7872) granting an increase of pension to T. C. Murphy; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of citizens of Milwaukee, Wis., favoring the passage of legislation tending to bring about a final and just settlement on all pending questions concerning the serious Balkan, Prussian, and Austro-Hungarian Slavic controversy; to the Committee on Foreign Affairs.

By Mr. DAVIS of West Virginia: Petition of Local Union No. 3, United Brotherhood of Carpenters and Joiners of America, Wheeling, W. Va., favoring the passage of legislation for a republican form of government and representation for the city of Washington and District of Columbia; to the Committee on the District of Columbia.

By Mr. DYER: Papers to accompany House bill 7144, granting an increase of pension to Pleasant F. Clutts; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 6608, granting a pension to Dorothea Christmann; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 6609, for the relief of Arthur E. Rump; to the Committee on Claims.

By Mr. FITZGERALD: Petition of Association of German Authors of America, protesting against the passage of legislation placing a tax on books printed in a language other than English; to the Committee on Ways and Means.

Also, petition of Local Union No. 109, United Brotherhood of Carpenters and Joiners of America, of Brooklyn, N. Y., favoring the passage of legislation for a republican form of government and representation for the city of Washington and the District of Columbia; to the Committee on the District of Columbia.

By Mr. GARNER: Petition of Southwest Texas Progressive League, Corpus Christi, Tex., favoring the passage of legislation to extend the intercoastal canal to Baffins Bay and the mouth of the Arroyo Colorado; to the Committee on Railways and Canals.

By Mr. HAYES: Petition of citizens of Mountain View, Cal., protesting against the passage of Senate bill 752, providing for the proper observance of Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Chamber of Commerce of Watsonville and the Pajaro Valley, Cal., favoring the passage of the 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the San Jose Grange, No. 10, Patrons of Husbandry, San Jose; J. D. Dunovant, Greenfield; T. J. Henderson, Campbell; J. W. Tennant, Watsonville; C. W. Dayton, Owensmouth; all of the State of California, and all favoring an extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Papers to accompany House bill 5915, granting an increase of pension to C. R. Taylor; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: Petition of the local union, No. 244, of the United Brotherhood of Carpenters and Joiners of America, Grand Junction, Colo., favoring the passage of legislation for a republican form of government and representation for the city of Washington and the District of Columbia; to the Committee on the District of Columbia.

SENATE.

SATURDAY, *August 30, 1913.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. OVERMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented a petition of Hall of South San Francisco Parlor No. 157, Native Sons of the Golden West, of California, praying for the construction of a naval station at Hunters Point, on San Francisco Bay, in that State, which was referred to the Committee on Naval Affairs.

Mr. WARREN presented a petition of sundry citizens of Cheyenne and Laramie, Wyo., praying for the enactment of legislation for the prevention of fraud in the manufacture of American watch improvements, which was referred to the Committee on Interstate Commerce.

Mr. ROOT presented a memorial of a special committee of the New York Produce Exchange, remonstrating against the proposed duty on bananas, which was ordered to lie on the table.

MARSHFIELD (OREG.) TIDAL BASIN.

Mr. CHAMBERLAIN. From the Committee on Commerce I report back favorably without amendment the bill (S. 767) granting permission to the city of Marshfield, Oreg., to close Mill Slough, in said city. As this is a local measure, I ask unanimous consent that the bill may be considered now.

Mr. SMOOT. Let it be read for information.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That Mill Slough, a tidal tributary of Coos Bay, lying within the limits of the city of Marshfield, State of Oregon, is hereby declared to be not a navigable waterway of the United States,